

By Mr. BOUTELL: Resolution of mass meeting, Chicago, June 11, 1906, against passage of immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of board of directors of Board of Trade of Chicago, for a thorough Government inspection of packing-house products—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. K. Mulford Company, favoring the Sulzer bill relative to regulation of railway fares as mileage tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Thomas McBride—to the Committee on Pensions.

By Mr. DAWSON: Petition of National German-American Alliance, for the furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of National German-American Alliance, for formulating treaties of arbitration acceptable to all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of United Commercial Travelers of America, against consolidation of third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for furtherance of principle of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of H. K. Mulford Company, for the Sulzer bill relative to regulating mileage tickets on railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Association of Retail Druggists, for the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of Chicago, for thorough Federal inspection of meat packing-house products—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR. Petitions, in form of letters and telegrams, protesting against passage of eight-hour bill from the following cities: New Britain, Conn.; Chicopee Falls, Mass.; Mansfield, Ohio; Rochester, N. Y.; Boston, Mass.; Somerville, Mass.; Cleveland, Ohio; St. Louis, Mo.; Dayton, Ohio; Keokuk, Iowa; Canton, Ohio; Minneapolis, Minn., and Cincinnati, Ohio.

Also, petition of certain oil producers of Marietta, Ohio, against the pipe-line amendment in conference report on the so-called "rate bill" as destructive of their business—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Bernhard Johnson and 16 others, of Rock Falls, Ill., for thorough examination but not hasty action on packing houses—to the Committee on Agriculture.

By Mr. HUFF: Petition of oil producers, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of Frank H. Jones, for bill to extend additional bounty of \$100 to ex-soldiers of civil war who were entitled to \$100—to the Committee on War Claims.

By Mr. LACEY: Petition of J. A. Slater, of Batavia; John Newcomer, of Newburg; J. F. Judge, of Melrose; Loftus Fox and L. W. Shaw, of New Sharon; E. and C. E. Hatcher, of Whatcheer, and G. L. Dutton, of Rutland, all in the State of Iowa, for pure-food bill and Federal inspection of meat packers—to the Committee on Interstate and Foreign Commerce.

By Mr. LILLEY: Paper to accompany bill for relief of Ambrose G. Bailey—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Board of Trade of Chicago, for an efficient Government inspection of slaughtering and meat packing—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for formulation of treaties of arbitration that may be acceptable both to the President and Senate and meet approval of all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Grocers and Butchers' Association, for the Dixon bill (H. R. 3090)—to the Committee on Reform in the Civil Service.

Also, petition of Adolph Kraus et al., Chicago, against increased head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of A. E. Burnside Post, Grand Army of the Republic, No. 109, Department of Illinois, for the Hamilton pension bill—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of Martha J. Sleeth et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of J. W. Hann, for an amendment to post-office laws and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Abram Gilchrist—to the Committee on War Claims.

By Mr. RYAN: Petition of National German-American Alliance, for furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. WHARTON: Petition of Chicago Live Stock Exchange, for investigation of methods in the slaughtering and meat-packing business—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, June 16, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 16, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8973. An act to amend section 5200 of the Revised Statutes of the United States relating to national banks;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for publicity of its records; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. BURNETT, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, asks a conference with the Senate on the disagree-

ing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 4 to the said bill, and agrees to the same; further insists upon its disagreement to the remaining amendments; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER, managers at the conference on the part of the House.

The message also returned to the Senate in compliance with its request the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Presiding Officer:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;

S. 257. An act granting an increase of pension to Caleb T. Bowen;

S. 1254. An act granting an increase of pension to Orlando H. Langley;

S. 1422. An act granting an increase of pension to George L. Wakefield;

S. 1936. An act granting an increase of pension to Lorenzo W. Smith;

S. 1976. An act granting a pension to William N. Dickey;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 2294. An act granting a pension to Michael Reynolds;

S. 2501. An act granting an increase of pension to Jessie E. Foster;

S. 2566. An act granting an increase of pension to George H. Rodeheaver;

S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;

S. 2853. An act granting an increase of pension to Bridget Quinn;

S. 3028. An act granting an increase of pension to Helen C. Sanderson;

S. 3122. An act granting an increase of pension to Erastus C. Clark;

S. 3168. An act granting an increase of pension to Obadiah Derr;

S. 3735. An act granting a pension to Phebe W. Drake;

S. 4047. An act granting an increase of pension to William Morehead;

S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;"

S. 4268. An act changing the name of Douglas street to Clifton street;

S. 4318. An act granting an increase of pension to Henry S. Bennett;

S. 4375. An act granting an increase of pension to David McCredie;

S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;

S. 4390. An act granting an increase of pension to Rebecca A. Alexander;

S. 4391. An act granting an increase of pension to Abner R. Barnes;

S. 4459. An act granting an increase of pension to Edwin K. Lamson;

S. 4550. An act granting an increase of pension to Henry Moody;

S. 4651. An act granting an increase of pension to Rufus M. Ashley;

S. 4741. An act granting an increase of pension to Andrew J. Workman;

S. 4961. An act granting a pension to William Ickes;

S. 5038. An act granting an increase of pension to James Richards;

S. 5148. An act granting an increase of pension to Mildred McCorkle;

S. 5155. An act granting an increase of pension to Charles H. Van Dusen;

S. 5195. An act granting an increase of pension to Sidney H. Cook;

S. 5262. An act granting an increase of pension to Frank N. Nichols;

S. 5353. An act granting an increase of pension to Thomas W. Carter;

S. 5447. An act granting an increase of pension to Oliver H. Hebben;

S. 5543. An act granting an increase of pension to William A. Humrich;

S. 5598. An act granting an increase of pension to Almond Greeley;

S. 5800. An act granting an increase of pension to James N. Davis;

S. 5810. An act granting an increase of pension to Thomas McGowan;

S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906;

S. 5870. An act granting an increase of pension to Samuel H. Morrison;

S. 5877. An act granting an increase of pension to Charles O. Bryan;

S. 5898. An act granting an increase of pension to Louisa A. Clark;

S. 5952. An act granting an increase of pension to Hyacinth Dotey;

S. 6006. An act granting an increase of pension to William N. Couch;

S. 6041. An act granting an increase of pension to James N. Brown;

S. 6065. An act granting an increase of pension to Ellen N. Dyer;

S. 6138. An act granting an increase of pension to Eliza P. Norton;

S. 6141. An act granting an increase of pension to Ransom C. Russell;

S. 6154. An act granting an increase of pension to Edwin Freeman;

S. 6155. An act granting an increase of pension to Samuel H. Davis;

S. 6164. An act granting an increase of pension to Julius S. Cuendet;

S. 6168. An act granting an increase of pension to Calvin Lambert;

S. 6187. An act granting an increase of pension to Martha Jane Bolt;

S. 6188. An act granting an increase of pension to Sarah Young;

S. 6192. An act granting an increase of pension to John Coker;

S. 6222. An act granting an increase of pension to John A. Alden;

S. 6264. An act granting a pension to Cornelius Sullivan;

S. 6272. An act granting an increase of pension to Harvey Gamble;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.; and

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of

Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

CUSTOMS COLLECTIONS IN THE PHILIPPINES.

The PRESIDING OFFICER laid before the Senate the following cablegram; which was read, and referred to the Committee on the Philippines:

MANILA, June 16, 1906.

UNITED STATES SENATE, Washington:

Undersigned respectfully express hope that Senate bill attempting ratification collections Philippine customs prior to March 8, 1902, will not be enacted, and urge Congress to do utmost to expedite appropriations for judgments following test case of Warner, Barnes & Co. Besides benefit to large number of native Filipino claimants, prompt payment of claims of British, Swiss, German, and other claimants, who were former bankers of native agriculturists, will enable such merchants to partially resume accustomed advances on future crops, thereby materially relieving agricultural depression caused by long existing and increasing financial stringency. Furthermore, present taxes, although necessary, are admittedly burdensome on merchants, especially after careful consideration. Our earnest conviction is that prompt refund will materially relieve present financial crisis, thereby substantially benefiting Filipino people throughout the islands.

T. H. PARDO DE TAVERA,
Commissioner (and others).

PETITIONS AND MEMORIALS.

Mr. SCOTT. I submit telegrams as petitions, and ask that one I send in advance to the desk be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

WHEELING, W. VA., June 15, 1906.

Hon. N. B. SCOTT, Washington, D. C.:

We hope you will exercise your influence against the pipe-line amendment to the rate bill. It should be entirely eliminated. It is not practicable, and will do great harm to producers of oil and natural gas if adopted.

THE NATURAL GAS CO. OF WEST VA.
Geo. Hurd, President.

The PRESIDING OFFICER. The telegrams sent to the desk by the Senator from West Virginia will be appropriately referred.

Mr. SCOTT. I wish to say that the telegrams which I have offered as petitions are from a great number of independent producers in my State, stating that this pipe-line provision in the bill will ruin independent operators.

The PRESIDING OFFICER. Does the Senator desire to have the telegrams referred to the committee of conference?

Mr. SCOTT. I ask that they be referred to the Committee on Interstate Commerce.

Mr. CULLOM. Let them be referred to the committee of conference.

Mr. BURROWS. They had better go to the committee of conference.

Mr. SCOTT. Very well; let them go to the conference committee.

There being no objection, the memorials of sundry citizens of Parkersburg, Clarksburg, and Sistersville, all in the State of West Virginia, of Gulfport, Miss., and of Bartlesville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" in relation to pipe lines, were referred to the conference committee on the railroad rate bill.

Mr. WARNER. Like the Senator from West Virginia, I have received numerous telegrams in reference to the pipe-line amendment. I send only one to the desk, and I ask its reference with the others to the conference committee.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegram.

The Secretary read as follows:

INDEPENDENCE, KANS., June 14, 1906.

Hon. WILLIAM WARNER,

United States Senate, Washington, D. C.:

The pipe-line amendment to the rate bill now pending before the joint conference committee should be stricken out, as it will practically drive all of your friends who are engaged in the oil business out of business in the Kansas and Indian Territory fields.

Geo. W. FINLEY.

The PRESIDING OFFICER. The telegram will be referred to the conference committee.

Mr. CULLOM presented petitions of sundry citizens of Oak Park, Normal, Sumner, Chicago, and Mattoon, all in the State of Illinois, praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented an affidavit to accompany the bill (S. 6389) for the relief of Allison J. Pilley; which was referred to the Committee on Claims.

Mr. KNOX presented memorials of F. P. Hue, of Warren; P. M. Shannon, of Pittsburg; S. R. Dresser, of Bradford; Cokain & Landis, of Kennerdell Mills; E. H. Jennings & Bros., of Pittsburg; Cornplanter Refining Company, of Warren;

Cherokee Oil and Gas Company, of Warren; 18 citizens of Clarion, all in the State of Pennsylvania, and of J. T. Jones, of Gulfport, Miss., and the Midcontinent Oil Producers, of Bartlesville, Ind. T., remonstrating against the adoption of a certain amendment to the so-called "rate bill" in relation to pipe lines; which were referred to the conference committee on the railroad rate bill.

REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 1572) for the relief of Thomas W. Higgins, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 2d instant relative to the survey of certain lands in Valley County, Mont., and also for the survey of the unsurveyed townships lying between the Big Muddy River and the Dakota line, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DANIEL, from the Select Committee on Industrial Expositions, reported an amendment relative to the participation by the United States Government in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in 1907, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

GASCONADE RIVER BRIDGE, MISSOURI.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo., to report it favorably without amendment. I call the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WICHITA MOUNTAIN AND ORIENT RAILWAY.

Mr. WARNER. By direction of the Committee on Military Affairs, I report back favorably with an amendment the bill (S. 6444) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; and I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, on page 2, line 13, after the words "shall be taken," to insert the following additional proviso:

Provided further, That before the said Wichita Mountain and Orient Railway Company shall be permitted to enter upon any part of said military reservation, a description by metes and bounds of the land herein authorized to be taken shall be approved by the Secretary of War, and adequate compensation paid by said railway company for the privileges herein granted it, the amount of said compensation to be determined by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

Mr. PILES. From the Committee on Commerce, I report back without amendment the bill (H. R. 20070) to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn. I call the attention of the junior Senator from Tennessee [Mr. FRAZIER] to the report.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Washington.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 6476) granting an increase of pension to Samuel Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6477) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 6478) for the relief of the estate of Gunther Peters; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6479) for the relief of the Methodist Episcopal Church South, of Charleston, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6480) authorizing the procuring of additional land for the site of public building at Nebraska City, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 6481) granting an increase of pension to Henry A. Redfield; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment proposing to appropriate \$150,000 for the construction of a steel steam light vessel to be anchored upon Swiftsure Bank off the entrance to Juan de Fuca Strait, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate \$200,000 for the examination of the water resources of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER submitted an amendment providing for the return to the Citizens' Bank of Louisiana the money taken from that bank by the military order of June 19, 1862, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$15,000 for completing the approaches, subdividing and finishing the attic story, and increasing the business facilities of the public building at Cheyenne, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for military posts from \$750,000 to \$973,750, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HEMENWAY submitted an amendment relative to the examination of fuels required for use by the Government, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment relative to the examination of mineral materials and products needed for use in the building and construction work of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FLINT submitted an amendment proposing to increase the appropriation for the continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves from \$100,000 to \$130,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOSEPH M'GUCKIAN.

Mr. CARTER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Joseph McGuckian be placed on the messenger roll of the Senate at a salary of \$600 per annum, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to one of the committees of the Senate now without a messenger.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The PRESIDING OFFICER. The morning business is closed, and the Senate proceeds to the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce. The pending question is on the amendment offered by

the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Colorado [Mr. PATTERSON] is entitled to the floor.

Mr. PATTERSON. I yield to the Senator from Georgia [Mr. CLAY].

F. V. WALKER.

Mr. CLAY. I ask the Senate to proceed to the consideration of the bill (H. R. 14928) for the relief of F. V. Walker. It is a bill which has passed the House, and it will give rise to no discussion.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War, under the direction of the President, to order Freeman V. Walker, late captain and assistant surgeon, United States Army, again before a retiring board for the purpose of a new hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and upon the findings of such board the President is further authorized, in his discretion, either to confirm the order by which Freeman V. Walker was wholly retired, or, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint him an assistant surgeon with the same relative grade which he had at the time of his retirement, and to place him upon the retired list of the Army. But no pay, bounty, or other allowance during the period between the time that he was heretofore retired and the time of the passage of this act shall become due and payable by virtue of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAMS ACROSS NAVIGABLE WATERS.

Mr. NELSON. Will the Senator from Colorado yield to me that I may call up House bill 8428?

Mr. PATTERSON. I yield to the Senator from Minnesota for that purpose.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 8428) to regulate the construction of dams across navigable waters.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AND FUNDS OF OSAGE INDIANS, OKLAHOMA TERRITORY.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. LONG, Mr. CLAPP, and Mr. STONE.

EXTENSION OF PUBLIC-LAND LAWS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HANSBROUGH. I move that the Senate insist upon its amendments, agree to the conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. HANSBROUGH, Mr. SMOOT, and Mr. McLAURIN.

TIMBER ON MENOMINEE INDIAN LANDS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amend-

ments and agree to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. LA FOLLETTE, Mr. CLAPP, and Mr. DUBOIS.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and it was thereupon signed by the Presiding Officer.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. PATTERSON. Mr. President, the bill before the Senate introduces a new departure on the part of the Government in dealing with common carriers. An examination of the statutes shows that never before has Congress granted a charter to a company for the construction of a canal, ship or other kind, within the United States, and Congress has never granted a charter to a railroad company, except as in the case of the Union Pacific and its branches, to accomplish a distinct and essentially national end. This measure but grants to a proposed common carrier the right to do business in the United States, and to construct, own, and operate the agency through which the business will be done.

When the reason for such a departure was asked for, the Senator from Georgia [Mr. BACON] was referred to a pamphlet, to which reference has been made a number of times, and told he would find it set forth in that.

This is the reason the pamphlet sets forth:

The committee went a step further, realizing that this canal was but a short connecting link between the waterway systems of the Great Lakes and the Ohio and Mississippi rivers under the control of the Federal Government, which would sooner or later be taken over by the Government and made a part of the Federal waterway system, even if primarily built by a private corporation, introduced a bill in Congress asking for power under a national charter to a corporation to build this canal.

This bill asks for no Government aid or appropriation, but does provide that its plans and works before construction is begun shall be approved by the Secretary of War, so that when taken over by the Government it will have a canal approved by the Government engineers, the same as if it was built primarily by the Government.

So the only reason given for seeking a Federal charter to enable a private corporation to construct, own, and operate a canal is that there is a probability that at sometime in the future the Government itself may conclude to own and operate it.

I am very glad that the proposition comes from Pennsylvania and from the city of Pittsburgh, through the two able Senators from Pennsylvania. It is a strange but very appropriate agency with which to familiarize the people of the country with ultimate government ownership of these great public-service utilities. When Congress passes this bill, as it doubtless will, it will announce to the country that the reason it was moved to do so was to make it easy for the Government to some day own it itself and to operate it for the benefit of the commerce of the country.

There is not a very long stride, Mr. President, between government ownership of such canals and government ownership of railways. The Senator from Pennsylvania [Mr. KNOX] yesterday admitted that under the decisions of the Supreme Court of the United States the Government might construct railways on its own account and take over, own, and operate the railways of the country.

The people are becoming more and more familiarized with the proposition that the Government ought to own and operate for the common good the country's railways, and when Congress grants a charter to a private corporation that authorizes the construction of 200 miles of canal by a private company for the avowed reason that ultimately the United States will take it over and operate it for the common benefit quite a step has been taken toward the ultimate ownership and operation by the Government of all these utilities.

Mr. President, I would not object to the bill for that reason. There are a great many Senators, however, who would. If the proposition for this canal had come to Congress from the West—from Kansas, Nebraska, or the Dakotas, for example—I believe it would have met with the solid opposition of most of the Senators who are now ranged up in its favor.

The intended exercise of its power by Congress in this case is the more marked in view of the fact that this company have already, through the legislatures of both Pennsylvania and

Ohio, secured charters for the construction of this identical work. Before they came to Congress their agents visited Columbus and Harrisburg, and through their efforts bills were passed which authorized the organization of this corporation, the construction of the canal, and its operation for the benefit of its owners.

Then, Mr. President, why should the men behind the proposed corporation come to Congress and ask for a charter to do that for which they already have a charter? The reason they give is that ultimately the Government will become its owner, wherefore it is desirable that the plan should be approved by the Secretary of War.

But, Mr. President, I doubt if that is the reason. I do not know that Pittsburg has citizens more patriotic and self-sacrificing than are the citizens of other cities. I am inclined to the belief that there is some other reason which sends these men to Congress to induce the Government to put its stamp of approval upon the enterprise, and I think that that reason is a financial one.

A careful inspection of the bill discloses that it is in reality a jungle. I suppose I ought to offer apologies to Upton Sinclair for using the term. If one will penetrate the jungle he will find a wild cat. If Senators desire to go wild-cattling in the jungle of this bill, they will find the animal.

Again, I suggest that if Senators from the West asked this body for a charter such as this, with the wildly loose provisions it contains for the promotion of the enterprise, the proposition would be frowned or laughed out of the body.

I think it may be accepted that millionaires from Pittsburg would not be willing to put money into any enterprise upon any other basis than that of four to one. The United States Steel Company is a sample of the financiering that they have done along this line.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. Does the Senator know anything which will substantiate that statement, beyond the fact that the people of Pittsburg managed to sell to the people of New York steel works for three or four times what they were worth?

Mr. PATTERSON. Does not that establish what I stated?

Mr. KNOX. It does not establish that the people of Pittsburg created the United States Steel Corporation, and bought their own property at three or four times what it was worth. The facts are, as I understand them (and I know nothing about it except what I read in the newspapers), that an eminent financier in the city of New York conceived the idea of buying the steel properties of the United States, and the people of Pittsburg were not foolish enough to take for them any less than they could get.

Mr. PATTERSON. Mr. President, I do not admit the legitimacy of the defense interposed by the Senator from Pennsylvania. I am inclined to think that the millionaires and multimillionaires of Pittsburg were particeps criminis with the great financiers of New York. Can the Senator from Pennsylvania tell us where the United States steel conspiracy originated?

Mr. KNOX. No.

Mr. PATTERSON. But one thing is certain, Pittsburg millionaires were the principal beneficiaries of the scheme, and they, with those in New York, succeeded in selling to the country—practically to the country—about \$250,000,000 worth of real property for a billion dollars, \$750,000,000 representing wind and nothing more. Yet more substantial than wind, Mr. President, was the power given to this company through the high tariff and the monopoly they secured under its wings to exploit the country and extort profits upon a billion-dollar capitalization with but a quarter of a billion of real capital invested.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. There are 600,000 people in greater Pittsburg, and I think there is not one of them who is in any way connected with any manufacturing establishment which sold out to the United States Steel Company. Therefore, there is nothing in that argument unless you establish the identity of the individuals.

Mr. PATTERSON. Oh, everybody knows that the great mass of a community are never the beneficiary of such disreputable financial transactions. The trouble about it is that there are but few beneficiaries, while the people of the country are compelled to pay the freight. I alluded to the United States Steel Company for the purpose of establishing what I suggested, that the millionaires of Pittsburg are quite unwilling

to make investments in these days of vast enterprise and immense profits that will yield them less than four to one on the investment, and I think I can demonstrate from this bill that that is precisely what is proposed, and it is to just such a vast scheme of overcapitalization that Congress is asked to give its approval.

Whatever good things may be in the bill, there are certain things very important to an honest enterprise that are not in the bill. The capitalization of the company is not fixed. That is left to the uncertainties of construction. The interest to be paid upon the bonds is not mentioned. The price at which the bonds and stock of the company may be sold is not even suggested; so that promoters of this enterprise—and I do not doubt that the promoters have already arranged it—may, before a pick is struck or a single square yard of earth removed, place the stock and bonds of this company upon the market and buy them all themselves at whatever price they may fix for them. If there is anything in this measure that limits the price for which either the stock or the bonds may be sold, I will cheerfully give way either to the Senator from Pennsylvania or to the Senator from Minnesota to point it out.

Mr. President, according to the pamphlet to which reference has been made, at least two or three years ago \$33,000,000 was the avowed and accepted cost of this enterprise. I will read from the pamphlet an article copied from the Pittsburgh Post of December 3, 1904. The printing of that article in this pamphlet is a guaranty that in the opinion of the promoters of this canal its statements may be relied upon. I read from the article:

I am informed that the new corporation is to be formed under the existing State charters granted the canal, and this step will be taken simply because of the desire to hasten action, so that when the national charter is granted by Congress much of the preliminaries will have been accomplished. Regarding the financing of the company, while its cost of \$33,000,000 may seem a big sum, you know that Pittsburgh can supply the money for twice that sum if shown that the canal will be a sound investment. In fact, I understand that some encouraging assurances have already been given on the financial end.

I supplement that with an extract from the speech of Mr. John E. Shaw, printed in the same pamphlet. It is as follows:

That modern waterway engineering has become a very exact science is shown by the fact that the Kiel Ship Canal in Germany, lately opened for traffic, was estimated to cost \$39,000,000, Prussia agreeing to contribute \$12,500,000, the remaining \$25,500,000 to be paid out of the imperial exchequer.

The actual cost was \$37,290,720. It is 61 miles long; 30 feet deep; bottom width, 72 feet; surface width, 216 feet.

This canal can fairly be compared with ours as to cost, as it is one-half the length, but twice the size.

So the Kiel Canal, held up for comparison in the matter of cost with that of the proposed canal, demonstrates that \$37,000,000 should be about the cost of the proposed canal.

But the Senator from Pennsylvania has suggested that the cost of material and labor have advanced since this pamphlet was prepared, about two years ago. Not so very much, Mr. President; but let us admit, for the sake of demonstration, that there has been a very considerable advance in the cost of canal material and construction, and add for it to the \$33,000,000, the estimated cost two years ago, the sum of \$17,000,000, and make the cost \$50,000,000. Surely that is a generous allowance for the item of increased cost. I intend to make the comparisons I have in mind upon the theory that this immense sum—\$50,000,000—will be required to place this canal in good working and business operation.

Then, Mr. President, what is there on the other side of the ledger? Fifty million dollars for construction and completion upon the one side, and \$400,000 per mile of bonds to the extent of the proposed mileage and \$400,000 per mile in stocks to the extent of the proposed mileage upon the other. The proposed mileage, according to the Senator from Pennsylvania, is somewhere in the neighborhood of 225 miles. One hundred and fifty miles was the estimate given by him the other day for the main branch, and he estimated the two branches or laterals at about 75 miles additional.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. Long in the chair). Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I wish to correct that statement, and the correction is very much in favor of your argument. The distance is 122 miles. When I stated that it was about 150 miles I was figuring upon the canal going from Pittsburgh, or the immediate vicinity of Pittsburgh, to Ashtabula. But the Ohio River runs north, almost northwest, and that shortens the distance. Taking it from the point in Ohio to the mouth of the Beaver, it shortens the distance to about 122 miles, exclusive of the feeders. I can not give you a definite statement as to what the length of those feeders will be. No one could do that.

Mr. PATTERSON. Then, Mr. President, let us take the statement that was made by the Senator from Pennsylvania as to his understanding of the length of the feeders, about 75 miles.

Mr. KNOX. Not to exceed that.

Mr. PATTERSON. That will make a canal with feeders about 200 miles in length, and at \$800,000 per mile, one half in bonds and the other half in stock, the sum will be \$160,000,000.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I know the Senator does not want to be inaccurate.

Mr. PATTERSON. No; I do not.

Mr. KNOX. Therefore I want to call his attention to the fact that there is nothing in the bill which provides that the stock shall be \$400,000 a mile and that the bonds shall be \$400,000 a mile. The provision of the bill is that the stock or bonds shall in no case exceed that amount, and that they shall not be issued in any amount except on the actual cost of the work.

Mr. PATTERSON. The first statement of the Senator from Pennsylvania is correct, but the latter statement is inaccurate. I will read the very language of the bill for the purpose of showing, as I think I will be able to show, that the statement of the Senator is inaccurate.

So we have, Mr. President, \$160,000,000 of liabilities in the way of bonds and stock that may be issued upon the basis of the canal and feeders, lines 200 miles in length. The question is, Is there any limitation in this bill upon the amount of the bonds and the stock that can be issued within \$800,000 per mile? In the first place, both the bonds and the stock may be issued immediately. The bonds and the stock may be issued before knowledge of what the cost of the work will be; and there is certainly no limitation in the bill as to the time for the issuance of either the one or the other of those securities. If that is the case, who is to determine what these bonds and stocks shall be sold at, or how much of them shall be issued? Certainly Congress exercises no supervisory power. The junior Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment which if adopted would give supervision over the expenditure by the Interstate Commerce Commission, but with that or some other similar provision absent from the bill there is positively no supervisory power by Congress or anybody else, except it be by the board of directors, as to the time when or the price at which these securities shall be marketed.

I feel, Mr. President, that the whole plan is perfected. I do not know whether or not those whose names are mentioned in the bill are what are termed—I will simply use the term to express what is in my mind, without intending to be offensive—"dummies." I do not know whether they are the men, or whether any of them are the men, who are to supply the funds for the construction of this canal, but I have no question that the arrangements are all made, that the understanding is complete, and that when this bill becomes a law the plans which have been made will be promptly put into effect. I do not know—perhaps the Senator from Pennsylvania does—whether the men behind this enterprise are the United States Steel Company, and their purpose is to get connection with the iron-ore fields of the Lakes, so that their product may be transported to their works in and around Pittsburgh more cheaply than it can be gotten there now, and so that their finished product can be produced at a much less cost, while they will be enabled, through the monopoly they hold under the protectingegis of the tariff, to continue to sell that product at the same high price they now command. I have no doubt but that an arrangement is already made by this monopoly to take the bonds and the stock, and I have no doubt, either, that the whole sum that will go into the enterprise will be but a sufficient amount to construct the work, and that and all the rest of the \$160,000,000 will stand as a lien upon the enterprise, a lien that will enable the owners, Mr. President, to exact unjust and unfair rates from those outside of the trust who must use the canal, and that will enable them to secure from the Government, when the time of purchase may come, a price three or four times beyond what its cost was to them.

Mr. President, am I right in the statement that there is no limitation whatever upon the price for which the securities shall be sold? Turning to section 3, we find this provision:

SEC. 3. That the capital stock of the company shall not exceed \$400,000 per mile of canal proposed to be constructed—

Not of canal constructed, but of "canal proposed to be constructed," in the neighborhood of 200 miles—

and that the bonded indebtedness authorized by this act shall not exceed \$400,000 per mile of canal proposed to be constructed, so that the

sum total of stock issued and bonded debt created shall not exceed \$800,000 per mile of canal proposed to be constructed.

So that the capital stock is determined before the construction and the amount of bonds and stock are determined before construction. The right to place these upon the market and to sell them goes with the proposition that it may all be done before construction. Is there any room to doubt but that those who have arranged to finance this enterprise, who will own it, and for the direct benefit of whose business interests it is to be constructed, will arrange so that this \$50,000,000 enterprise will be held by them with stock and bonds to the amount of \$160,000,000 encumbering it?

Mr. President, there are provisos in this section, the true meaning of which I doubt if the Senators supporting the measure have apprehended. I make the statement without intending any reflection—for that would be something I could not contemplate for a moment—upon the intelligence of Senators. But, judging from the statements made by the Senator from Pennsylvania, if my construction of this proviso is right, I feel that he does not really understand its meaning. Following the part of section 3 to which I called attention is this proviso:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

A limitation—"at its fair value." That applies to property.

Mr. President, the Senator will not claim, I think, that that proviso requires that the stock shall be sold and paid for at par. If he does not, then there is no guard whatever in the measure as to the price to be paid for the stock. If it does not provide that the stock is to be paid for at par, then it can only mean that it may be bought at whatever price those who have fathered this enterprise may see fit to fix upon it.

Now, with stock issued to the extent of \$400,000 per mile of the canal proposed to be constructed, with such price as these promoters shall see fit to give or pay for that stock, then bonds may be issued up to the amount of the stock—the face value of the stock—not limited in amount to the price that is paid for the stock. The bonds may be sold for whatever the promoters may see fit to fix. So that when we read this proviso, to which I have called attention—and I will read it again—we may ask what limitation or what protection that affords either to the Government or to the people, to those who will use the canal?

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. Is it the position of the Senator from Colorado that a provision limiting the amount of the debt to "the amount of stock subscribed for and paid in in money or property at its fair value" means other than that it must be fully paid in?

Mr. PATTERSON. What I contend for is this: It does not mean that the stock shall be paid for at its face or its par value.

Mr. KNOX. Mr. President, I think that is what it does mean, and thinking that, I would not have the slightest objection to words being put into this bill which would indicate it. To show that the promoters of this enterprise thought that is what it meant, if the Senator will examine this bill, he will find that the proviso originally read that—

The amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and fully paid in in cash and bona fide expended in the promotion, maintenance, and construction of said canals and works.

Mr. PATTERSON. "The amount of stock subscribed for and fully paid in" would not meet the requirement.

Mr. KNOX. Well, then, I do not understand the Senator's position.

Mr. PATTERSON. If the Senator would provide, so far as this particular feature of the section is concerned, that "the amount of stock subscribed for at its par or face value shall be paid for in money," then, so far as the stock is concerned, it could not be issued under the law for anything less than its face. Any provision short of that would not meet the proposition that I have contended for. Does the Senator from Pennsylvania state that, so far as this is concerned, he is willing to have the language referred to amended?

Mr. KNOX. As I have previously stated, I have no more control over this bill than has the Senator from Colorado, and I speak simply from my personal standpoint. I never saw this bill until it came over from the House of Representatives, and

know nothing about it nor any more about those who are back of it than does the Senator from Colorado, except that I know, from the names of these gentlemen, that they are high-class men, and are acting in absolute good faith.

I am perfectly willing now—to answer specifically the Senator's question—so far as my vote is concerned, to vote to provide that the stock shall be paid for at its par value in money or in property at its fair value.

Mr. PATTERSON. The Senator from Pennsylvania is willing to permit a certain amendment to be made—the amendment that I suggested—which would meet the criticism that I was making; but he is only willing to accept it so far as his individual vote is concerned.

Mr. KNOX. That is the only power I have.

Mr. PATTERSON. The Senator realizes, I think, that there is a wide difference between the two propositions. Unless the price at which the stock is to be sold is distinctly stated, the stock can be sold at whatever sum the promoters of this enterprise may see fit to fix for it.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Does the Senator understand that stock corporations can lawfully dispose of stock at less than its par value, so as to release subscribers from their liability for the par of the stock? Is not the contrary true, except in cases where it is provided by law that stock may be sold for less than its par value?

Mr. PATTERSON. I have no knowledge, Mr. President, of any law of Congress that prohibits any transaction of that kind.

Mr. SPOONER. But is not that the general principle?

Mr. PATTERSON. Not at all. The markets are flooded with stocks that are sold at all the way from a quarter of a cent a share up to the par value, and other kinds of stock in enterprises of every kind and character. Unless you find upon the statute books of some of the States a provision that makes it impossible to do so, there is nothing to prevent stock being placed upon the market at whatever price either the company or the holders of the stock may see fit to fix.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. I have had some knowledge of corporation affairs, and I have never yet known a case where the stock of a corporation was sold for less than its par value unless there was statutory authority to that effect; indeed, the only stocks of that character that I know anything about are the wild-cat Colorado mining stocks.

Mr. PATTERSON. Well, Mr. President, I am now talking about Pittsburgh wild-cat canal stocks. If the mining stocks of the West are subject to the name that has been given to some of them—and some of them richly deserve it—when the features of this bill are clearly understood, the name is just as applicable to the stocks of this enterprise, although there may be a thousand million dollars behind it and within forty-eight hours after this bill becomes a law they may commence the construction of the canal under this authority. I do not hesitate, Mr. President, to denounce any scheme, especially when it is to be a transportation scheme, an interstate transportation scheme, a scheme whose profits are made through tolls exacted from the people—whose amount of tolls is to be largely determined by the face value of its liabilities represented in its stocks and bonds—I do not hesitate to denounce any such scheme that will impose liabilities upon the completed work that amount to four times the cost of its construction as a wild-cat scheme of the wildest character.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With great pleasure.

Mr. MALLORY. I notice the Senator dwells upon the fact that the canal company is to be allowed to issue stock that may be sold at less than its par value. Just above that portion of the bill to which the Senator has referred is the following proviso:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed, etc.

Does that mean bonds sold at their par value?

Mr. PATTERSON. I think not.

Mr. MALLORY. Why, then, should not the amendment which the Senator suggests for the regulation of the stock also apply to the bonds? Why does not the Senator suggest an amendment that the bonds shall be sold at par as well as the stock?

Mr. PATTERSON. I was coming to that a little later on. If the Senator from Pennsylvania had agreed to the amendment that I suggested that the stock should be subscribed and paid for at its face or par value, I was then going to suggest that even that would place no limitation or restriction upon the price for which the bonds may be disposed of.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. Certainly.

Mr. KNOX. The Senator from Colorado must have misunderstood me. I said so far as I was personally concerned I could see no objection to that suggestion.

Mr. PATTERSON. Well, Mr. President, let us, for the sake of the argument, accept the amendment that the stock shall be subscribed and paid for at its par value. Then the bonds may be sold at any sum whatever, for the amount of the bonds—that is, the sum of the bonds—is to be determined by the amount in shares of the stock at its par value, and there is no proposition contained in this measure that will require the bonds to be sold at their face value, or at 50 per cent of their value or 10 per cent of their value. Even with the amendment to which the Senator from Pennsylvania says he can see no objection, if that is adopted, to prevent wild-catting through the agency of the bonds, a like amendment must be made to that part of the proviso that relates to bonds.

When that is done, Mr. President, what safeguard is there as to the amount that will be actually paid for the construction of this work? I am analyzing this bill from the standpoint of a Western Senator who, if he introduced a measure of this kind, would be compelled to meet the criticisms of the Senators from the East. What safeguard is there against twice the real value of this work being paid for it?

I have little doubt but that the promoters of this scheme, those who will constitute the company and hold the stock and bonds, will be the construction company. There is no provision that this work shall be done by contract let on fair competition. There is nothing in it to prevent the owners of the stocks and bonds, whatever price they may pay for them, organizing themselves into a construction company—indeed, it would do violence to common experience if we did not know that something of the kind would be done, and that those doing it would pay themselves a sum for the work that is far in excess of its value. So, though the promoters should be required to subscribe for the stock at its par value, and then they should arrange to take the bonds at much below their face value, through the agency of the construction company they could get every dollar back except the sum which would be necessary for the construction of the work.

It is by reason, Mr. President, of these fatal omissions in the measure that the amendment of the junior Senator from Wisconsin [Mr. LA FOLLETTE] is so appropriate and should be adopted. If this scheme is to have the brand of the Government upon it, if the securities of this canal company are to go upon the market after they pass from the hands of the first owners to sell at par and to be received as gilt-edged, some amendment should be attached to the bill that will give to the Government accurate knowledge of the cost of the canal, not only as to the character of the work, but as to its cost, so that when rates and tolls are fixed, or when the Government comes to buy and pay for it, the rates and tolls will not be enormously beyond what are fair and just, and the cost to the Government will not be three or four times the cost of the canal.

If the Government is to put its stamp of approval on this enterprise, why should it not be constructed, in a measure at least, under the supervision of the Interstate Commerce Commission? Why should not the estimates for the work be filed with it? Why should not accounts of the cost of the work and accounts of the sums paid for it be filed from time to time with the Interstate Commerce Commission?

During the debate on the rate bill I heard a number of Senators declare that some method for the appraisal of the value of the property of all common carriers should be adopted, so that the real cost of the property might enter into the determination of the rates and tolls to be allowed. The proposition met the approval and appealed to the sound judgment of most of the Senators, though no amendment was adopted putting the proposition into effect. But here is a new departure; here is a transportation proposition that, outside of the great transcontinental railways, has never before received the indorsement of the Government. A charter is demanded from the General Government. If the Government is to put its stamp of approval upon the enterprise, then good faith to the people and investors of the country as well as to its shippers requires that the Government should exercise reasonable supervision

over the amount of money that will be expended upon it. There should be some degree of certainty that when the stock and bonds are in the hands of innocent holders they will represent approximately the real value of the work.

Unless something of this kind is done the Government is making itself a party not only to a possible, but to a probable, fraud. When I use the word "fraud" I mean a fraud practiced upon shippers by reason of freight charges they will be compelled to pay, based upon the enormous amount of dishonest liabilities to be attached to this canal. What the rate of interest upon the bonds will be, who can tell—6 per cent, 7 per cent, 5 per cent? What the dividends that may be demanded will be who can tell? But they will all be based upon a stock and bond issue up to the full possibility of this measure. That means freight charges at least two or three times beyond what they should be; and when the Government comes to take over this property it means that the price to be paid will be three or four times in excess of what it cost.

I suppose, Mr. President, as has been suggested, that the bill will become a law. I can hardly conceive of any bill which would be fathered so earnestly and zealously as this is by the Senators from Pennsylvania that would not receive the vote of the majority of this Chamber, but I unite with the Senator from Georgia [Mr. BACON] in protesting against such a measure as this, whatever safeguards it might provide for fair and honest construction. I protest against it because it is a departure from what hitherto has been the fixed and settled policy of the Government; I protest against it because it is the initial step for the nationalization of the property of common carriers; I protest against it because it will stand as a precedent for the granting of charters, not only to canal companies, but to railway companies, and after a while there will be charters granted without many of the safeguards that are found in this bill.

As this class of legislation expands, as such measures multiply, as railways and canals are put in operation under Federal authority, we will find the power, the dignity, and the usefulness of the States departing.

Mr. President, I ask the Senator from Pennsylvania whether any of these incorporators are from any other State than Pennsylvania or from any other city than Pittsburg?

Mr. KNOX. I am unable to answer the question. I said a few minutes ago I never saw this bill until it passed the House, and while I know personally probably half of the people whose names appear upon the face of the bill, the others I do not know. Those, however, whom I do know are either from Pittsburg or that vicinity, but not all living in the city itself. That is as nearly as I can answer the Senator's question.

Mr. PATTERSON. Are there any millionaires among them?

Mr. KNOX. I think that is rather a peculiar question, but answering from my own impression of the standing of these gentlemen—

Mr. PATTERSON. Mr. President—

Mr. KNOX. I shall answer the question, now that it has been propounded. I see one name here, that of a very prominent merchant, a gentleman who has made a considerable fortune as a dry goods merchant, who I presume is a millionaire. Outside of him I do not notice the name of any man whom I should designate a millionaire.

Mr. PATTERSON. I will not occupy the time of the Senate any longer. My purpose was to call the attention of the Senate to the extraordinary omissions in this bill; to the opportunities that it gives for wild-cat promotion; to the paltry reason that the company offers for ignoring the charters given to it by the States of Pennsylvania and Ohio; and to make the suggestion that I have as to the men who are really behind the enterprise. Of course I understand that the Senator from Pennsylvania is simply representing his constituency in promoting the passage of the bill. I have called attention to the paltry reason that is given for seeking a Federal charter, and to suggest that, in my own opinion, it is not an honest one. It is not the reason given by the Senators from Pennsylvania or either of them, or by the Senator from Minnesota, who has reported the bill from the committee and is in reality in charge of it.

I suggest that it is not an honest reason. I do not claim to have any greater knowledge upon the subject than any other Senator. But the reason given bears the impress of insincerity upon its face. The idea that Pittsburg millionaires would seek a Federal charter simply because they expect in fifty or a hundred years from now the Government to become the purchaser is too absurd to be entertained for a moment. The reason is they want the advantages that are given to enterprises of this kind that bear the Government approval. They wish to go upon the market when the first holders of the securities will part with them and say, "This is in reality a

great Government enterprise; it is protected by the United States; it has rights and privileges that are not accorded to the ordinary common carrier, and therefore you can pay a larger price for these securities than you would pay for securities of a like character issued under State authority."

Then, again, it is quite likely that this bill, framed as it is, gives the incorporators greater advantages than they could take to themselves under the charters given by the legislatures of Ohio and Pennsylvania. I know not what substance there may be in this latter suggestion, but we are in ignorance of the terms of the Ohio and Pennsylvania charters. We may logically conclude that the reason they abandon those is that they expect to get through Congress a measure which will give to them greater advantages than they could possibly have under the limitations that are placed upon them by the State legislatures.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. With pleasure.

Mr. KNOX. I desire to call attention of the Senator from Colorado to the fact that the Senator from Alabama [Mr. MORGAN] yesterday introduced, and it was accepted, an amendment which makes it impossible for this concern to do anything in the State of Ohio or anything in the State of Pennsylvania without the legislative consent of those States. So the whole thing will have to be dealt with by the States.

Mr. PATTERSON. I recall that very well. That does not militate against my proposition. I understood very well the significance of the amendment that was offered by the Senator from Alabama; that the right of eminent domain can not be exercised without legislative approval, but that does not militate against the proposition I have made, that it is probable these gentlemen come to Congress for a charter because they can get better terms as to their stock and bonds and in other important particulars through a Congressional act than they got through the charters granted to them by the States of Ohio and Pennsylvania.

Mr. KNOX. May I ask the Senator from Colorado a question?

Mr. PATTERSON. Certainly.

Mr. KNOX. Does not the Senator from Colorado think that if there were any terms in the Ohio and Pennsylvania charters that Ohio and Pennsylvania ought to impose upon this enterprise, they would impose those same terms when the company went back to get legislative consent to exercise the right of eminent domain, without which they could not move a hand?

Mr. PATTERSON. Oh, Mr. President, we have no right to enter into the realms of speculation. How do I know what terms the legislature will exact? There is a simple proposition now to be presented to the legislatures of Ohio and Pennsylvania: "This work has been chartered by the General Government. The money is in the treasury. The company is ready to proceed with its construction. All we ask from you—Ohio and Pennsylvania—is that we shall have permission to exercise the right of eminent domain under your State laws." Neither does that militate against the proposition that these gentlemen come to Congress because they can get better terms from Congress than they were able to secure from the legislatures of Pennsylvania and Ohio.

There is another matter I would suggest. Section 22 of the bill does not properly safeguard the taxing power of the State. The provision is that the States of Ohio and Pennsylvania may tax this company as they tax foreign corporations. I do not know what that means. One thing I do know, is that all the property and all the franchises of this company will be within the States of Ohio and Pennsylvania. I know it is not a foreign corporation in the sense in which the term is generally used. A foreign corporation can not enter a State to do business without complying with the terms that the State legislature imposes for the privilege, while this corporation may enter Pennsylvania and Ohio *vi et armis*, in defiance of and ignoring every State statute that applies to foreign corporations, and, having once received the authority to condemn land under the right of eminent domain, to construct their work and proceed with their business in total disregard of State laws applicable to foreign corporations.

I discover also that this bill discriminates between property and franchises, and while franchises might perhaps be embraced in the term "property," yet since franchises have risen to pronounced judicial and legislative recognition only within the past few years as property that may be distinctively taxed as other property commensurate with their real value, it is of importance that the distinction between franchises and property observed in other sections shall be observed in the provision

for the taxing of the property of this corporation in the two States. Before the proceedings on this bill are concluded, I intend to offer an amendment that will secure the right of these two States beyond peradventure to tax both the property and the franchises of the company.

But, Mr. President, however this bill may be perfected, one thing is certain: I am convinced there is no chance to eliminate the wild-cat features of the bill. There is no purpose to attach to the bill the amendment of the junior Senator from Wisconsin [Mr. LA FOLLETTE] or any similar amendment. It is only by an amendment such as he proposes that anything like a square deal can be secured for the people of those two States and to those who may use the canal for freighting purposes, or to the Government of the United States when the time may come, if it ever does come, when the Government will take it over.

Mr. President, this bill is pernicious. It is dangerous. Its passage should not be seriously thought of by the Senate. I do not stand in the way of the construction of any great public work. I should like, as well as the Senator from Pennsylvania, to see the canal constructed. I should like as well as he to see it constructed as he doubtless would some similar enterprise out in the great West. I realize as fully as anybody can the supreme importance of cheap and speedy freighting. I realize that where channels are glutted or where the cost of transportation is high, prosperity is clogged, and business is endangered.

But, Mr. President, while I favor enterprises of this kind, I desire that they shall be constructed in the old-time methods, under authority from the States, and that the provisions for the floating of their liabilities shall be so guarded as that the people can not be cheated and that extortion can not be practiced upon the Government.

I know, and everybody else knows, that when the Interstate Commerce Commission shall undertake to regulate freights, it will be largely controlled by the amount of the liabilities that exist in the way of fixed charges against any transportation line. The Commission will first inquire the amount of bonds and the amount of stock. It will declare that the interest shall be paid upon the bonds and that fair dividends shall be paid upon the stock. It is only after these are provided for that a rate will be fixed, and the rate will be fixed with reference to them. When Congress swells the amount of the liabilities that may thus attach, away out of proportion to the cost of the work, away beyond what even in their wildest dreams the friends of this enterprise have contemplated as its cost, it imposes upon the Commission a duty from which they can not escape, of fixing tolls to meet the interest and the dividends; and the Supreme Court of the United States, should the Commission fail in that regard, would overturn its finding and allow freights and tolls that would provide for them.

The amendment offered by the junior Senator from Wisconsin is fair and reasonable and just. It is legislation that has been tested in the oldest of the States, and is found upon their statute books at the present time. It is legislation which long experience has taught is necessary to prevent the practice of undue extortion upon the people and to keep the cost of these enterprises, that are represented in the markets of the world by stocks and bonds, within reasonable limits. If the amendment of the Senator from Wisconsin, which I understand is taken almost bodily from the statute books of Massachusetts, is adopted, then the real danger, so far as the financial end of the enterprise is concerned, will be avoided. The amendment will not interfere in anywise with the speedy construction of the work. It will only place an impediment in the way of wildcat exploitation and of saddling upon the shippers of the country and ultimately upon the Government charges, and in the end a cost far beyond what they should be.

I will not take up any more of the time of the Senate. I have done what I believe to be a plain duty. It would be much more congenial to me to heartily support a measure that the Senators from Pennsylvania so earnestly urge than to oppose it in any fashion.

Mr. NELSON. Mr. President, until I heard the argument of the Senator from Colorado [Mr. PATTERSON] I supposed that this bill would be of some advantage and benefit to the people of the United States, and especially to those who are contiguous to the water courses which would be affected by this canal. But if you take the drift of the Senator's argument, it amounts to this—at least, in one part: That this is simply a stock-jobbing scheme on the part of certain people in Pittsburgh to make money.

The construction of this great canal from the waters of Lake Erie to the head of navigation on the Ohio River is something in which all the people of the Northwest and of the entire Mississippi Valley are interested. It is not a mere matter of these incorporators. It is the matter of securing navigation from the Great Lakes down the Ohio and into the Mississippi River for the

purposes of commerce. No one can question that the Federal Government has the right to construct such a canal. Neither can anyone doubt that such a canal is necessary in the interest of commerce. Whatever the Government can do, the Government can delegate power to a corporation to do. As long ago as 1819 Chief Justice Marshall, in the great case of *McCulloch v. Maryland*, laid down the doctrine which ought to be the controlling doctrine and the governing principle in this case. Chief Justice Marshall held that while the Constitution did not in terms authorize the United States to establish a bank, yet the United States was interested in a bank because of the necessity of carrying on its fiscal operations, collecting and disbursing its revenues, and hence the Government of the United States had authority to establish a bank for that purpose and could vest the power in a corporation.

If the United States has the power to establish a bank, and to vest the power in a corporation created by the National Government under the Constitution, as construed by Chief Justice Marshall, manifestly under that much clearer power of the Constitution—the power to regulate commerce—Congress has the power to delegate that authority to a corporation. Congress has itself the power and the right to make provision for the construction of such a canal, and Congress can delegate that power to a corporation created by Congress. So we need not have any misgivings as to the constitutional authority on this point.

In the next place you will find that Congress has from time to time engaged in such enterprises as this, not by creating a corporation, but by delegating the power to the States to build international highways, and by giving them Congressional aid. I find, in looking over the statutes of Congress, that in 1852 Congress granted to the State of Michigan the right to construct a canal—then called the "St. Marys Canal," since called the "Soo Canal"—to connect the waters of Lake Superior and the lower Lakes, the canal running through a military reservation, and gave the State of Michigan 750,000 acres in aid of that enterprise. The State of Michigan proceeded to construct the canal and operated it for years, and in doing so it was acting as the agent and the trustee of the Government of the United States. Whether the Government confers the power to construct an international waterway upon a State, a municipal corporation, or a corporation created by the Government, as is proposed in this bill, can make no difference in principle.

That canal was constructed and operated for years by the State of Michigan. Afterwards, in 1881 or 1882, the Government took possession of that canal. It took possession of it because it was necessary to enlarge it and make it a much bigger canal to meet the necessities of navigation on the Great Lakes. Since then the Government has appropriated hundreds of thousands of dollars to enlarge and extend that canal. It has built two sets of great locks there and otherwise put the canal in such a condition that it is one of the great canals of the world, not in distance, but in the amount and extent of the commerce which it carries, exceeding by many thousands of tons the commerce carried by the Suez Canal. In fact, the commerce carried by the Soo Canal equals the commerce carried by all the other canals in the world.

Our own Government is to-day in the midst of constructing the Panama Canal, a canal to be constructed outside of the boundaries of the United States, in territory over which we had no interest until we simply got a strip of territory sufficient to build the canal. If, for the interest of the Government, we have a right to build a canal across the Isthmus, and if it is in the interest of commerce, manifestly it is in the interest of the Government to build such a canal as the one here provided for.

This is not the only example, Mr. President. In 1827 a grant of land was made to the State of Illinois for the construction of a canal from Lake Michigan to the Illinois River, to connect with the Mississippi River. There was another instance where the Government of the United States delegated the power to construct an international waterway to one of the States of the Union, and it gave it a land grant of one-half, five sections in width, on each side of the canal.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. I simply want to say to the Senator from Minnesota that no one will controvert what the Senator is saying. Every Senator who is at all familiar with the history of legislation knows that Congress has repeatedly aided States in the construction of canals.

Mr. NELSON. But they are not State canals. They are interstate canals; they are canals for interstate commerce.

Mr. PATTERSON. Oh, well, Mr. President, the New York

and Erie Canal, the Wabash and Erie Canal, and quite a number of canals were constructed by the States.

Mr. NELSON. I want to ask the Senator from Colorado what is the difference in principle between the Federal Government delegating power to a State to construct a canal for interstate commerce and conferring it upon a corporation created by the Federal Government?

Mr. PATTERSON. If the Senator from Minnesota is not able to distinguish between the granting of authority to a State to operate a canal wholly for the interests of the people of the State—

Mr. NELSON. No; not for the interest of the State, but of the people of the United States.

Mr. PATTERSON. The Senator from Minnesota is entirely too impetuous. He asks questions and gives no opportunity to answer them. Everybody knows that when a State constructs a canal, as it would be did the United States construct a canal, the canal would be used for the benefit of the public, and not for the purpose of exploitation—

Mr. NELSON. A canal—

Mr. PATTERSON. It would be run for the purpose of giving to those who would use such utilities the cheapest freights and the best service, while the private corporation which constructs a work would usually use it for the largest amount of profit and the worst possible service that it could possibly get along with. It seems to me, Mr. President, that there is a very wide difference.

Mr. NELSON. The assumption of the Senator is entirely unwarranted. The assumption that because an enterprise is conducted by private parties instead of by a municipal corporation, the private parties are corrupt and dishonest—

Mr. PATTERSON. Mr. President—

Mr. NELSON. That is an assumption unwarranted by the facts. There is as much ground for assuming that a private corporation will be honest in the performance of its duties as the public functionaries of a State.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. And the Senator's own State bears witness to that fact. His own city of Denver bears witness to the fact.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. NELSON. For a question.

Mr. PATTERSON. Oh, only for a question?

Mr. NELSON. That is all.

Mr. PATTERSON. I do not want to ask a question. I simply wish to make a statement that would be but a fair reply—

Mr. NELSON. I am willing to answer questions.

Mr. PATTERSON. A reply to what I might call almost in the nature of a personal appeal to me—

Mr. NELSON. Oh, no; I am not appealing at all to the Senator. The Senator must not take it in that light.

Now, in the case of the grant made to the State of Michigan in 1852, we authorized the State of Michigan to construct that canal. We gave the State of Michigan a land grant of 750,000 acres, and we authorized the State of Michigan to collect tolls, just the same as this corporation is authorized, and the State of Michigan had the right to collect tolls.

The Senator is laboring under the impression that all the object of securing this national incorporation for building this waterway is simply a matter of private gain and private exploitation. It is nothing of the kind. To construct this canal without a charter from the Federal Government there would have to be two corporations, one corporation in the State of Pennsylvania and one in the State of Ohio.

In the next place, one of the chief reasons why this should be a national corporation is that it may be put under national regulation and national control.

Then, in the next place, in order to secure the necessary water for this canal, water must be drawn from a great many navigable streams; and as to the water from those streams, the Federal Government and not the State governments is the controlling power.

Mr. BACON. Will the Senator please indicate what are the navigable streams from which this water is to be drawn?

Mr. NELSON. The Allegheny is one of them. I can not recall all the streams.

Mr. BACON. Is the Allegheny above Beaver a navigable stream?

Mr. NELSON. Yes, sir; it is navigable for a certain class of boats above Pittsburg.

Mr. KNOX. Mr. President—

Mr. NELSON. There are other streams. The Senator from Pennsylvania can give more information, because he resides at Pittsburgh.

Mr. KNOX. I should like to state for the information of the Senator from Georgia, if I may in this connection, that this charter in terms provides for taking all the waters that occupy the bed of the Beaver River, which is navigable for 12 or 15 miles from where it empties into the Ohio River, for vessels of quite considerable size. They are wholly within the control of the United States, because the Beaver empties into the Ohio there at that point and makes an interstate highway. Of course the State of Pennsylvania could not grant a charter to a corporation to take the water of Beaver River or occupy a portion of the bed of the river.

Mr. PATTERSON. Mr. President, may I ask the Senator from Pennsylvania a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. May not Congress give to a corporation organized under the laws of a State the authority to do every one of the things proposed in this charter just as it gives authority to construct a bridge across a navigable stream?

Mr. KNOX. That is exactly what we are doing here. We are trying to get that authority under this bill.

Mr. PATTERSON. But we could do that just as well under your State charter, and there would be no controversy then over the propriety or impropriety of the new departure that this Government is asked to take.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. Of course, there is no answer to that argument except that it is within the discretion of Congress to grant a charter when it sees fit.

Mr. PATTERSON. Very well.

Mr. KNOX. If the character of this enterprise is not important enough to challenge the attention of Congress, they ought not to grant the charter. If the character of this enterprise is of sufficient importance and the connection between the Great Lakes and the Mississippi Valley in large enough for our attention, then it is a matter of discretion.

I want to add right here, talking about precedents, when in 1889 the Congress of the United States granted to a private corporation, for the purpose of facilitating commerce between the Atlantic and Pacific States, a right to construct a canal at Nicaragua, it did exactly what we are undertaking to do here, except that the interests of this country were far more indirect in that case than they are in this case.

I might, as another historical fact showing the relations of the United States to this proposed canal, state that as far back as 1824 the Congress of the United States appropriated \$10,000 to survey this very canal, and although they did not go on and construct it, the State of Pennsylvania subsequently did construct the ordinary type of canal between the Ohio River and Lake Erie and operated it until the days when the railroads came upon the board, when it was set aside and foolishly abandoned, as the canals of the country generally were abandoned.

Mr. PATTERSON. Does not the Senator from Pennsylvania differentiate between a charter by Congress that could not be granted by a State, a charter to construct a canal across the Isthmus—

Mr. KNOX. The Senator from Colorado certainly forgets that it is proper enough to grant a charter by any State to operate or construct a canal or any other enterprise in a foreign country. The United States to-day holds every dollar of stock in the Panama Railroad, a corporation of the State of New York, and is operating a railroad across the Isthmus of Panama.

Mr. PATTERSON. Oh, Mr. President, as a matter of course, if the Senator from Pennsylvania can see no difference between the Federal Government granting a charter to a corporation to construct a canal at different points of the Isthmus to connect the waters of the Atlantic and Pacific and charters that are granted or taken out every day in the year under the laws of the several States for the construction of domestic and interstate enterprises, and an act of Congress for the construction of a railway or a canal within the limits of the United States, then, as a matter of course, the argument ceases to be of avail.

Mr. KNOX. Mr. President—

Mr. PATTERSON. Just one moment. We who have opposed this bill have not opposed it upon the ground that Congress did not have the power. The Supreme Court settled that

long ago. It is more or less a question as to whether or not it is a wise policy, a sound and a safe policy, for the United States to put its brand of approval upon an enterprise such as this, when there is no impediment in the way of charters from State governments and the completion of the work under such charters.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. I yield.

Mr. KNOX. I owe the courtesy of the floor to the Senator from Minnesota for the time I am taking, and I apologize to him; but I do wish to say a few words in reply to the suggestion "if the Senator from Pennsylvania does not see any difference between granting a charter to a corporation to dig a canal across Central America at Nicaragua and charter to a corporation to construct a canal which connects the Great Lakes with the Mississippi Valley," I wish to reply that I do see a great difference, and the difference is in favor of constructing the canal here at home, where we get immediate benefit from it.

There is less reason, in my judgment, Mr. President, why the Congress of the United States should charter corporations and turn them loose over the face of the globe in order to change its geography, even though we do get an indirect benefit from it, than to construct or to authorize the construction of great works in the interior of our country, which give the people cheap transportation, which help to regulate the domination of the railroads, and against which no honest objection based on anything else than innuendo and assumption has been advanced in this Chamber.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. PATTERSON. Undeniably the argument which has just been used by the Senator from Pennsylvania may be applied with equal force and equal logic to a railway corporation that is intended to extend and develop the commerce of the several States; and his logic simply leads irresistibly to the end and the result that those of us who oppose this bill anticipate—

The PRESIDING OFFICER. The Senator from Colorado will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado will proceed.

Mr. PATTERSON (continuing). That the barrier will be broken down by legislation of this character, and soon Congress will be flooded with bills for national charters for the construction of railways, and the functions of State in matters of that kind will be eliminated.

The Senator has no right, it seems to me, to suggest that there was any sophistry or improper effort in dealing with this bill upon my part when I exposed what I contend are its shortcomings. The Senator has not undertaken to answer the proposition that I made with reference to the financiering of this concern. One of the strongest causes that can be urged against legislation of this kind is that the Congress of the United States will be called upon to put its seal of approval upon many enterprises of this character, though not perhaps for canals, and measures may be even more loosely constructed with reference to fictitious values of public works than is this measure.

It seems to me, Mr. President, that instead of using language which seems almost like epithets, it would be better for the Senator to meet the suggestions that I urge and to show that they do not exist. I understand, as a matter of course, there is nothing personal in this controversy. I do not doubt the absolute good faith of the Senator from Pennsylvania; and I do not like to hear the Senator impugn mine. I have studied this bill with a good deal of care, and I have attempted to give no false coloring to a single one of its provisions. With the provisions in the bill as they are the Senator should be content, if he is able to secure the approval of this body to it, and not indulge in reflections upon the motives of those who opposed it.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. It is rather amazing that I have said anything to impugn the motives of anyone who has seen fit to oppose this bill. I spoke of the arguments. I spoke of the arguments that were based upon assumption—assumption as to the character of the parties who were back of this bill, assumption as to their purposes, assumption as to the results, innuendo as to the relation of large organizations and capital with this enterprise which does not appear upon the face of these papers, and which I know to be absolutely without foundation.

Now, if anything can be found in that expression which, by the most remote processes of reasoning, can be figured out to be a reflection upon anyone's motive, I freely say to the Senator that no such thought ever entered my mind, and I can not see how it is possible to deduce it from what I have said.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Yes.

Mr. PATTERSON. The Senator from Pennsylvania has not undertaken to throw much light upon the personnel of the men whose names appear in this measure.

Mr. KNOX. I know nothing about it except what appears on the face of the papers. Is every Senator bound to know who the gentlemen are whose names appear upon the face of the bill? As I said, the city from which I come is a city of 600,000 people. I have the good fortune to know a great many of them and to know them well. I know some of these gentlemen, and those of them whom I know are men of the highest character, although they are not subject to the suggestion that they are millionaires.

Mr. PATTERSON. In the absence, Mr. President, of definite information, and in view of the avowed purpose for which this bill is being passed, it seems to me that Senators may very properly indulge in what they conceive to be logical deductions, in view of the lack of definite information; and that was all that I did.

Mr. KNOX. Mr. President—

Mr. PATTERSON. So far as my suggestions were concerned, with the possibilities and even the probabilities, taking into consideration the provisions of this measure, the ignorance of the Senator from Pennsylvania about it, as he has repeatedly avowed, knowing nothing about it except as he finds it coming into this Chamber from the other branch of the Capitol, we are justified in probing, as we must probe since we can not get information otherwise, for the purpose of reaching something like an intelligent conclusion.

Mr. KNOX. I think the Senator from Colorado must be laboring under a misapprehension. I owed no duty to the Senate or to the Senator from Colorado to disclose anything about this bill. The Committee on Commerce owed that duty, and have discharged that duty. I have assumed, as the Senator from Colorado should have assumed, that that committee fully satisfied themselves as to the character of the parties who are back of this bill and their good faith. I think the Senator from Colorado must have been laboring under the assumption that I am a member of the committee, which I am not.

Mr. PATTERSON. Oh, no, Mr. President.

Mr. NELSON. Mr. President—

Mr. PATTERSON. Just one moment. I simply labored under the impression that the Senator is a Senator from the State of Pennsylvania; that he is a resident of the city of Pittsburg, and that he is a Senator of great knowledge and learning and ability. I also assumed, Mr. President, that the Committee on Commerce was made satisfied as to certain things. But that does not preclude Senators, when the measure is before the body, from seeking information from Senators who may be presumed to be able to impart it, and it is not the subject of criticism when an effort of that kind is made. The bill, when it comes from the Committee on Commerce, is open to the fullest and freest discussion and criticism from every Senator, everyone being willing to give to the measure whatever credit is its due by reason of the fact that it was reported by a committee of the Senate. No one is precluded. Time and time again the work of a committee is rejected by the Senate. I have no doubt in the world that the Senator from Pennsylvania has done his share of that kind of work, and will continue to do it whenever he feels it to be his duty to do so.

So I have gone upon the presumption, as have the other Senators who have opposed this measure, that it was open to full and free discussion, and that legitimate deductions might well be drawn both from the language of the bill and its surroundings.

Mr. NELSON. Mr. President, as I understood the main body of the argument of the Senator from Colorado on this subject,

it was entirely on a different line and on a different assumption from the argument of the Senator from Georgia [Mr. BACON]. The Senator from Georgia argued in respect to the bill as a matter of principle; but the argument of the Senator from Colorado, as I understood him, was based on the assumption that these men are not of much consequence; that it is a dangerous stockjobbing scheme, and that for that reason we should halt in this measure.

Mr. President, this is not a mere matter for the State of Ohio or the State of Pennsylvania. If it was a matter that only concerned those States, I should care little about the bill. I should take no interest in it; but to my mind, next to the construction of the Panama Canal, there is no other canal project of greater importance to this country that is discussed at the present time than is this canal.

Mr. BACON. Will the Senator permit me?

Mr. NELSON. Let me finish what I am saying. I will do as the Senator from Georgia many times does, and ask him to let me finish it.

The construction of this canal from the waters of the Ohio to the Great Lakes not only connects with that entire lake system clear to Chicago and away up to Duluth, in my own State, but by means of this canal and by means of the Erie Canal connection is made with the Atlantic seaboard, and coal can be carried in boats through this canal over Lake Erie, through the Erie Canal, down the Hudson River, and along all the Atlantic coast.

Congress is given the power to regulate commerce. The great virtue of a waterway of this kind is not only the fact that it affords a new and additional method of transportation, but the greatest advantage of all advantages is that it is the best regulator of tolls and rates.

We have had in the State of Minnesota for years a railroad commission, we have had the advantages of the Interstate Commerce Commission, such as it has been, with the limited powers it has had, but of all the benefits we have had in the matter of rate regulation the most important has been the fact that we have been in connection with the water system of the Great Lakes and could transport our traffic down those lakes. That has been the one great advantage.

This is a canal, Mr. President, that does not concern the people of Ohio, it does not concern the people of Pennsylvania, as much as it concerns all the other people of the country, all the great States bordering on the Mississippi River. From the Southwest Pass up the Mississippi, and from the junction of the Ohio clear up to St. Paul, and up the Missouri River, all the people along those water courses are vitally interested in this canal. It is no local project. It is a project of great national importance; and hence it ought to be constructed under the auspices of the Federal Government.

If the Federal Government would construct this canal, I would much sooner see the Government do it than any private corporation, but to get the Government of the United States at this time, while they are in the midst of constructing the great Panama Canal, to undertake a great enterprise of this kind is hopeless. But public-spirited men are ready and come before the country and say, "If you will give us the authority, we will build this great waterway and afford these advantages to the people of the United States."

Now, not only is this a canal that all the people of the country are vitally interested in, but there is another reason why the canal should be constructed under the auspices of the Federal Government, through a corporation, if the Government will not do it. If it is a Federal corporation we can control it. This bill puts the power of regulating the tolls and rates to be charged on this canal under the Interstate Commerce Commission, and under existing laws and any laws that may be passed supplemental and amendatory thereof. By section 15 of the bill the plans and specifications and the whole scheme of the construction of this canal are to be submitted to the Secretary of War, and must meet with his approval.

We have here, then, first, what we could not hope to have if this were a canal to be constructed under State auspices, a canal, the plans, specifications, and scheme for which must be submitted to the Secretary of War, representing the Federal Government, for his approval. In the next place, the Interstate Commerce Commission is given the power to regulate and control the rates of toll.

I will now say a few words as to the criticism of the Senator from Colorado [Mr. PATTERSON] in respect to the cost of this canal. The Senator read from a pamphlet stating what it was supposed the canal would have cost years ago. Mr. President, when the survey for this canal was made years ago, it was for a small canal, and the expense of building it then would have been much less. The estimate was based on a canal of very

limited size, with fewer feeders and fewer obstacles to be overcome in the shape of building over railroad tracks, under railroad bridges, and over other similar works.

The committee took especial pains in the consideration of this bill. I want to say to the Senator from Colorado that the committee which had charge of the bill considered it for several days. A delegation of eminent men from Pittsburg were here and appeared before us. We heard them, and they furnished us ample evidence, as ample as could be, that the promoters and incorporators named in this bill were men of high standing, of good character, and with ample means. We took especial care to inquire of those gentlemen what would be the cost of the canal and why its cost had been increased. The proposed company was represented by its chief engineer and by consulting engineers. I asked those gentlemen to furnish us the grounds and reasons why the cost of the canal was so much larger than it was at first apprehended it would be; and I have here a letter from those engineers, which I will ask the Secretary to read.

Mr. BACON. Before that is read—the Senator has passed from the point I wanted to interrupt him upon, for the purpose of making an inquiry—I wish to ask the Senator from Minnesota something about the Chicago Canal. The Senator speaks of this as essential for the purpose of connecting the waters of the Great Lakes with the Mississippi Valley. Is it not true that there is already a canal built at Chicago, which is a very much more direct canal than this, and which can be enlarged and made a canal which will furnish water communication between the Great Lakes and the Mississippi?

Mr. NELSON. Not at all.

Mr. BACON. Is not that true?

Mr. NELSON. Not at all. The Senator is entirely mistaken. There was a plan for such a canal, but it was never consummated.

Mr. BACON. I did not say that it had been consummated.

Mr. NELSON. It was never consummated, and never can be. The only canal there of any consequence at present—and that is not of any advantage for the purposes of navigation—is the so-called "Chicago Drainage Canal," which connects Lake Michigan and the Des Plaines River. The fact is that neither the upper Illinois River nor the Des Plaines River is at all navigable.

Mr. BACON. No; but is it not the fact that with the water that comes from Lake Michigan to the Chicago Canal, and with the water from the two rivers which the Senator has mentioned, it is perfectly practicable to so enlarge that canal as to connect it with the waters of the Mississippi River?

Mr. NELSON. Oh, no; not at all.

Mr. BACON. Without any lock, I mean—say up to the point where you reach the river?

Mr. NELSON. Not at all.

Mr. BACON. There is no lock there, is there?

Mr. NELSON. The whole river is so shallow and limited, that if you wanted a canal of the dimensions of this canal, you would have to lock the whole river, and whether you would build locks in the canal or in the river would make but little difference in the matter of navigation.

Mr. BACON. I want to correct the Senator, if he will pardon me. The Senator did not understand what I said. I said, without a lock from Lake Michigan to the point where you reach the river, but, of course, there must be locks after you reach the river. It is a larger canal, and is of more importance to the commerce of the Great Lakes than this proposed canal can possibly be.

Mr. NELSON. No; it is not. This canal has even greater advantages than that. While that canal would be of great advantage, it would not be of the advantage that this canal will be; and I will explain to the Senator why this canal is more important than even the canal to which he alludes.

This canal passes through the great heart of the anthracite coal region of Pennsylvania. That coal is distributed to the remote portions of this country; and this canal will be one of the great instrumentalities for distributing that coal.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. PENROSE in the chair). Will the Senator from Minnesota permit an interruption by the Senator from Pennsylvania?

Mr. NELSON. I yield to the Senator.

Mr. KNOX. I only want to make an additional answer to the Senator from Georgia [Mr. BACON] to that which has been given by the Senator from Minnesota [Mr. NELSON]. The Senator from Minnesota has already partially answered. The peculiarity of the commercial situation which demands the construction of this canal is this: The great bituminous coal fields sweep down from western Pennsylvania, through West Virginia,

into Kentucky. The coals from those fields are needed along the shores of Lake Erie, along the shores of Lake Michigan, and along the shores of Lake Superior. The ores of the upper Michigan Peninsula and the ores of upper Minnesota are needed all along that coal deposit. It is an economic fact that it is cheaper to haul the ore to the fuel than it is to haul the fuel to the raw material. Therefore there is freight both ways—the coal up to the Lakes, and the ore down to the coal—which can not be conducted by a canal across from Lake Superior to the upper Mississippi tributaries without bringing the freight down to Cairo and down the Ohio River, which is impossible.

Mr. BACON. If the Senator from Minnesota will pardon me further—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. Nobody is disputing, of course, the fact that there will be found in any locality particular reasons why there may be particular freights which would be available there and which would not be elsewhere; or there may be more freight at some points than at others; but the Senator from Minnesota was expatiating upon the fact that this canal was essential and necessary to connect the commerce of the Great Lakes and the commerce of the Mississippi Valley. I was simply pointing out to him, or endeavoring to do so, the fact, speaking thus generally, that between the Great Lakes and the Mississippi River there is already constructed, not a navigable canal, but one which can be converted into a navigable canal, if my information is correct.

Mr. NELSON. Oh, no; the Senator is wrong.

Mr. BACON. The Senator from Minnesota interrupted me to say no. I simply desire to say that there are those who differ from him on that subject and those who have very great interest in it, and who contend that that can at some day be made a navigable canal, and they propose to try to make it so. I was simply trying to direct the attention of the Senator to the fact that the question of the opening of water communication between the Great Lakes and the Mississippi River was not dependent exclusively on this proposed canal.

Mr. NELSON. It is more dependent on this than on any other canal. There is no way by which boats larger than canoes or skiffs can now pass from Lake Michigan down to the Mississippi River from Chicago.

If the Senator lived in the upper part of this country he could see the great importance of this canal. The State of Minnesota is the greatest iron and ore producing State in the Union. Upward of 30,000,000 tons, if I recollect aright—twenty-eight or thirty million tons—of ore were shipped down the Great Lakes from Minnesota ports within this last fiscal year. That ore is carried down to various points on Lake Erie, and from there it is distributed by rail to the different smelters. Then the boats bring back the coal to Minnesota. The coal is carried from the mines by rail to Lake Erie, and from there it is transhipped by boat to Duluth. Nearly all of the anthracite coal that is used in the State of Minnesota is shipped to that State by the Great Lakes, and distributed from Duluth westward, not only all of the anthracite coal that is used in Minnesota, but the coal that is used in northern Wisconsin, in the two Dakotas, and clear out west even to Montana.

Mr. BACON. Will the Senator permit me again? I shall try not to interrupt him afterwards.

The PRESIDING OFFICER. Will the Senator from Minnesota permit a further interruption from the Senator from Georgia?

Mr. NELSON. Certainly.

Mr. BACON. I desire to ask the Senator a question: He is on the committee that recommended the passage of this bill, and has doubtless familiarized himself with all the history of the matter. The Senator from Pennsylvania [Mr. KNOX] has stated the fact that heretofore there has been a canal over this route, which was operated and afterwards abandoned. Now, I want to know from the Senator from Minnesota whether he knows from what jurisdiction the charter was obtained, under which there was constructed a canal over this direct route between Lake Erie and the Ohio River?

Mr. NELSON. I can not tell. That canal was constructed before the days of railroads. It was one of the old-fashioned horse canals, and it was abandoned as soon as railroads were constructed. It was not an international waterway at all. It was simply a little bit of a canal, where the boats were pulled by horses.

Mr. BACON. It furnished water connection, though, between Lake Erie and the Ohio River, did it not?

Mr. NELSON. Oh, well, in a limited way

Mr. BACON. It was practically in operation. Can the Senator tell me whether that was constructed under a Congressional charter, or under a Pennsylvania charter?

Mr. NELSON. I can not tell.

Mr. BACON. Does the Senator know that it was not constructed under a Congressional charter?

Mr. NELSON. I do not know under what charter it was constructed, or whether it was constructed under any charter at all.

Mr. BACON. While we are on the subject of charters, I will ask the Senator one more question, and then I will try not to trespass upon him any further. The Senator spoke of the fact that one reason why the enactment of a Federal charter was needed was that otherwise there would be two charters, one a charter from the State of Pennsylvania and the other a charter from the State of Ohio.

Mr. NELSON. I will qualify that statement. Not necessarily two distinct corporations, but if it was a Pennsylvania corporation it would have to go into the State of Ohio to get authority as a corporation to build its canal in that State, the same as the railroads do.

Let me explain to the Senator: In the West we have railroads built through several States, and it is customary in such cases to have separate acts of incorporation from each State. I imagine if this canal were constructed at all under State auspices, it would have to be constructed by a Pennsylvania corporation as to that part of the canal in Pennsylvania and by an Ohio corporation for the part of the canal in the State of Ohio.

Mr. BACON. With the permission of the Senator, I desire to read from this pamphlet, which has been laid upon our desks here by those who favor the granting of this charter. On page 29 there is a statement, I think, made in the speech of Mr. Shaw, in which this occurs, speaking about the steps which had been taken to secure the construction of this canal:

The committee—

That is, the committee which had undertaken to secure the necessary authority—

The committee procured a general law to be enacted in Pennsylvania authorizing a ship canal company to be organized to construct and operate a ship canal from the headwaters of the Ohio River via the Beaver and Mahoning rivers to the Ohio State line.

That is what was done in Pennsylvania.

A similar law was passed in the Ohio legislature authorizing a ship canal company to construct and operate a ship canal from Ashtabula, on Lake Erie, to the Pennsylvania State line, on the Mahoning River, and authority was given in both States to consolidate their franchises at the State line and operate a through canal from the Ohio River to Lake Erie by one company.

Does the Senator know that that is a fact?

Mr. NELSON. I am not prepared to say. I never saw that pamphlet until it was laid on our desks the other day.

Mr. BACON. Well, then, it is the statement made in the address of Mr. John E. Shaw at the meeting which was held in Pittsburg for the furtherance of this enterprise, and of course the statement must be accepted as absolutely true.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly.

Mr. KNOX. I think no one questions the statement which has just been read. The Senator from Georgia read that statement yesterday, and nobody denied it.

Mr. BACON. I did; and I only read it again, if the Senator will pardon me, because the Senator from Minnesota [Mr. NELSON] had made statements which were inconsistent with that fact; and he did not seem to be informed of the existence of that fact.

Mr. NELSON. Mr. President, before I was interrupted quite a while ago, I called attention to the reason why it was necessary to amend the bill so as to allow the canal company to issue more stock and bonds than had at first been thought necessary because it had been found that additional expense would be necessitated in the construction of the canal. I stated that the committee took special pains to ascertain that fact. One of the engineers of the company appeared before the committee, and I asked him and the other engineers of the company who had examined and estimated for this work to send us a communication and give us the reasons why the canal would cost more than they supposed it would cost in the first instance. Mr. President, I ask to have the letter of these engineers on this subject read. I think it will prove a complete answer to all the insinuations of the Senator from Colorado [Mr. PATTERSON].

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter referred to.

Mr. NELSON. I ask that the remainder of the letter be printed in the RECORD without reading, as part of my remarks. The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The letter in full is as follows:

LAKE ERIE AND OHIO RIVER SHIP CANAL COMPANY,
Pittsburg, Pa., March 20, 1906.

DEAR SENATOR: When House bill 14396, for the incorporation of the Lake Erie and Ohio River Ship Canal, was under discussion at the meeting of the subcommittee of the Senate Committee on Commerce Saturday last, the 17th instant, and the cost per mile of constructing such canal was under consideration, the said subcommittee desired to be informed on the reasons for the increased cost over and above what it was estimated in 1895, when a similar bill was before Congress. The bill of 1895, introduced in the House, called for a stock issue of \$300,000 per mile and an equal amount of a bond issue; the bill introduced in the House in 1906, under No. 6003, called for a stock issue of \$500,000 per mile and an equal amount of bonds, which latter figures were changed by the House to the former amount in amended House bill 14396, also of 1906, this being done without the engineers for the canal company being heard in the matter. The increased capitalization per mile requested in House bill 6003, 1906, over what was called for in the bill of 1895 is, of course, a result of increased cost of construction of the canal. This increased cost is due to the following reasons:

1. The unit prices used in 1895 were somewhat too low, even for that time, when the country was at a low-price era.

2. The unit prices of 1906, both for material and labor, are, of course, very much higher than they were in 1895, as, for example—

(a) The units for excavation of earth and rock, both in the dry and in water, have increased on an average of about 50 per cent over what was assumed in 1895.

(b) The units for masonry in locks, walls, dams, bridge piers, and abutments and paving of banks have increased on an average of 20 per cent over and above what they were in 1895.

(c) The unit prices for timber have increased about 60 per cent above what they were in 1895.

(d) The unit prices for embankments for reservoirs have increased about 33 per cent above those in 1895.

(e) Cost of operating machinery for locks has increased about 40 per cent.

(f) Cost of bridges has increased about 100 per cent over what they were in 1895, principally due to great increase in weight per foot of trains and union wages of bridge erectors.

(g) Miscellaneous accessories have also increased in cost.

3. The engineers of 1906, having the benefit of the work of the engineers of 1895, have developed the enterprise much more in details and have thus learned that several items of work are necessary which were not taken into account in 1895, as, for example—

(a) Ten miles more of the canal will require masonry retaining walls for the banks.

(b) A great deal more paving for bank protection is required.

(c) The dams and locks have been changed somewhat in their location and canal levels have been lowered, thus requiring increased excavation.

(d) In raising the bridges and railroads crossing the canal grades have been eased up, requiring longer approaches.

4. The freight traffic between Lake Erie and the Pittsburg district, in the ten years that have elapsed, has increased over 100 per cent, calling for increased facilities on existing railroads as well as the building of new railroads in that territory. This has been considered in planning the projected canal, as it will, of course, secure its share.

(a) The number of bridges has increased about 15 per cent since 1895.

(b) The weight per foot of trains having increased, much heavier bridges have been estimated upon.

(c) The now more crowded condition of the territory through which the canal runs, due to new railroads and double tracking of existing railroads, has made it necessary to estimate for the more expensive bascule bridges than the simple swing bridges where drawbridges will be required.

5. Freight traffic on the Lakes has increased correspondingly in the last ten years, as has also the number of boats, as well as their dimensions.

(a) It being estimated that the canal will also get its full share of this increase in traffic, both on the Lakes and the railroads, requiring much more frequent locking and increased speed of boats and better facilities for their passing in the canal, it has been deemed wise to increase the width of the bottom of the canal whenever feasible by about 30 per cent.

(b) To insure more safety to the vessels traversing the canal it has been considered advisable to contemplate two gates at each end of the locks, so that should the inner ones be damaged the outer ones will protect the vessels and allow continuous operation of the canal. A middle gate for smaller crafts has also been contemplated. This will, of course, increase the length of the masonry work in the locks by at least twice the width of the lock gates, so that the total increase in cost of the locks, gates, and machinery over and above that estimated in 1895 is about 70 per cent.

(c) Provision for a probable additional parallel lock somewhat smaller has also been contemplated should future increase of traffic demand it.

(d) The increased locking, estimated from the so enormously increased traffic, calls for additional water supply, and consequently additional reservoirs and feeders, and the total increase in cost of such reservoirs will then be about 60 per cent and for the feeders about 200 per cent over and above that contemplated in 1895.

6. The enlargement of the Erie Canal in New York State, which is now an assured fact, will of course increase the traffic on the Lake Erie and Ohio River Ship Canal.

7. Such traffic will also be favorably affected by the present and future Government improvement of the Ohio River, which seems to be now assured.

8. The increased prosperity of the country through which the canal has to pass has materially increased the value of real estate throughout this region, besides more detailed investigation of this subject has probably something to do with the great increase in the cost of land per acre, inasmuch as we have found that—

(a) The increased value of land on the river divisions is about 600 per cent over what was estimated in 1895. The 1895 figure was likely an error.

- (b) Forty per cent from Niles to Lake Erie.
- (c) Forty per cent for the feeders.
- (d) One hundred per cent for the reservoirs.

The above-mentioned causes for the increase in the physical cost of the canal over and above what was estimated in 1895, augmented by the present prosperous conditions and development of the region which the canal traverses makes the present estimate of the engineers run up to \$500,000 per mile, in round numbers, for the physical construction alone of same. In addition to this there are a number of items, the cost of which can not be determined in dollars and cents at present, such as damages to existing works and rights, etc., with their legal expenses, but which nevertheless enter into the actual cost of the canal, feeders, reservoirs, and their accessories. These items in a large enterprise like this, experience shows, call for a very liberal percentage of increase in the estimated cost over and above the physical cost to meet the actual final cost of the project.

In view of this, the permissible capitalization should be ample to meet all probable contingencies, even though the issue of stocks and bonds should not be more than is actually required for the building of the said canal, feeders, reservoirs, and their accessories, to thus enable the incorporators to carry the enterprise to a successful conclusion.

Very respectfully, yours,

GEORGE M. LEHMAN,
Chief Engineer.
EMIL SWENSSON,
THOMAS P. ROBERTS,
Consulting Engineers.

Hon. KNUTE NELSON,
The Senate Committee on Commerce, Washington, D. C.

Mr. NELSON. I want to say in conclusion, for I am unwilling to take up the time of the Senate any further on this subject, that if this were simply an Ohio and Pennsylvania enterprise, if it merely affected those States, I should take no special interest in this bill beyond that of any other Senator; but the construction of this canal, Mr. President, is vital to all the commercial and industrial interests of the great Northwest and of the great State of Minnesota, which I have the honor to represent in part on this floor. We are as vitally interested in the construction of this canal and in being placed in communication by water with the Ohio River and with the navigable waters connected with that river as any portion of the people residing along that water course or along the Great Lakes. It is because of the national importance of this enterprise, it is because of the fear that the National Government itself will not in the immediate future embark in this enterprise, that I favor this bill.

Mr. LA FOLLETTE. Mr. President, I object to being placed, even by implication, in opposition to securing reduced transportation charges to the people of the Northwest because I have offered some opposition to certain provisions in the bill as reported by the committee. The State that I have the honor in part to represent is as much interested in this legislation as the State of Minnesota, and I have quite as much interest in securing reasonable transportation rates for the people of my State and this country as the Senator from Minnesota has.

With example and illustration on every side of the overcapitalization of transportation companies, I ask Senators whether the present be not a pretty good time to make reasonably certain that the corporation which proposes to build this great canal shall not be overcapitalized? It is no reflection upon the honor or integrity of anybody connected with this enterprise to suggest governmental supervision as a protection to the public against the stock watering which has been resorted to by every other corporation in the country which is engaged in transportation.

The Senator from Pennsylvania [Mr. Knox] said in opening the debate upon this bill that cheaper transportation means better living for the people; that it means cheaper iron and cheaper coal. That would be true, Mr. President, if the market price of steel and iron and coal were not absolutely controlled by the steel trust and the coal trust. But with great combinations masters of the markets of these basic products of our industrial life, who will be benefited by cheaper transportation rates on iron and steel and coal? Have we any guaranty offered by the Senator from Pennsylvania that, if transportation rates are reduced on iron and steel from the Lake Superior iron belt to Pittsburgh and upon coal transported through this canal from Pennsylvania to the lake ports, have we any guaranty, I ask, that the consumers will get any benefit from the reduced rates?

If iron and steel and coal were sold in the domestic market, with free competition between independent producers, consumers would realize a benefit in reduced transportation rates resulting from the construction of this canal. But, Mr. President, I am in favor of building this canal, and I hope to see the day when open competition between our own producers of iron and steel and coal will be restored, and all of the people can enjoy a share in the lower transportation charges which our great waterways can secure to us when improved and the commerce upon them regulated as the need may arise.

So, Mr. President, I stand here in this body to urge that when this corporation is granted its charter the public rights

shall be protected as well as the rights of the incorporators. I do not oppose the passage of this bill for the incorporation of this canal company, but I shall contend here and elsewhere that the Government, State and national, shall put forth all its legitimate powers from this time on to prevent the overcapitalization of all public-service corporations.

I ask Senators can any fact or reason be urged against the amendment which I have offered? Will anyone rise and defend watering the stock of transportation companies? Are Senators in favor of the products of the country being taxed at a rate that is necessary to pay dividends and interest on capitalization that is not represented by investment? When these questions go to the country, they will require answer, and that answer will have to satisfy the American people, who understand their rights and are fast making ready to assert and maintain them.

The time has gone by, sir, when they will longer consent to see the transportation companies of this country capitalized beyond the amount of the investment necessary properly to equip those companies and to maintain and operate them. They clearly understand that every dollar of overcapitalization imposes an extra charge to be paid upon every hundredweight and every ton of traffic transported.

Mr. President, Senators may regard me as unduly earnest and positive in my assertions. I do not believe I am. I believe I can judge the temper of the American people as well as any other Senator upon this floor, and I say that with becoming deference. Within the last few years I have looked into the faces of thousands of your constituents in all the States between Pennsylvania and the Pacific slope, and I tell you here to-day that you underrate the interest and the intelligence and the determination of that great body of people if you think they will longer consent meekly to pay arbitrary trust prices for manufactured products and extravagant transportation charges in order to furnish an income to the holders of watered stocks.

What is the proper time to limit capitalization to actual investment? If not now, when we are on the threshold of chartering this company, when will the Federal Government put a proper restriction upon the capitalization of this company? Surely the experience of this Government admonishes us to consider it now.

Hark back over the years of the history of chartering transportation companies by the Federal Government. The Northern Pacific divided the whole nominal amount of its stock, \$100,000,000, among the promoters, who paid nothing for it, before scarcely any expenditure was made upon the road. The Central Pacific was likewise constructed by its promoters, and the greater part of the stock issued went to them as a gratuity. Mr. Poor, an authority who surely makes no statement prejudicial to the railroad companies, says the Union Pacific divided and carried to the credit of profit and loss over \$100,000,000 more than a fair return upon the capital invested by them.

The St. Paul and Manitoba Railway Company—the Great Northern, lessor—was bought on foreclosure at \$3,600,000. Its capitalization was forced up to \$84,000,000; to be exact, \$84,500,000. The State of Minnesota through its courts made an appraisal in the Great Northern rate case, and held that the cost of the reproduction of all the property of the company at that time would not exceed \$44,000,000, showing nearly 50 per cent of water.

The Atlantic Coast Line increased its capitalization \$50,000,000 without any additional investment, to enable Morgan to get control of the Louisville and Nashville.

J. J. Hill testified in an investigation in the Northern Securities merger case that in the purchase of \$108,000,000 of securities of the Burlington by the Great Northern and the Northern Pacific companies, \$216,000,000 of new 4 per cent bonds were issued. In the recapitalization of the Rock Island \$75,000,000 of Rock Island stock was converted into \$75,000,000 of bonds and \$137,000,000 of new stock.

The Chicago and Alton was capitalized at \$30,000,000. When turned over to the purchasing syndicate in 1899 it was capitalized at \$94,000,000.

Mr. President, there is not a dollar of water or inflation in the capitalization of the railroads of this country that does not impose burdens upon the consumers and producers of this country; and when we are to-day proposing to charter a canal company to construct a canal through which shall move all the lake commerce of that great inland sea, can any Senator interpose a fair and reasonable objection to a proposition which simply requires the Government to stand guard over this capitalization and see that it is not excessive?

I deny that any provision of that kind is a hindrance to the

enterprise. I deny that it defeats the purpose of the bill or will obstruct the organization of the company. I am willing to assume—and in so doing I put the gentlemen who are named in this bill as incorporators in a more favorable light than do those who oppose this amendment—I am willing to assume that the incorporators do not wish to overcapitalize the company, and if they do not, they surely will not object to authorizing the Government to say, "When you issue so many thousand dollars of bonds and so many thousand dollars of stock upon any given mile of the canal, we ask you to show that your corporation has made an investment of equal value for every dollar of that proposed issue of stock and bonds."

Possibly this is new doctrine in this Chamber. I do not know; I have been here but a few months. But if this legislation has not been contended for here before, you will hear more of it in the near future. Two States have statutes along lines similar to the amendment which I have proposed to the pending bill—Texas and Massachusetts. Other States are struggling for such legislation. In my own State, in Wisconsin, I recommended incorporating such a provision in the law regulating railway rates and services, which was written into the statutes of that State in 1905. The public-service corporations were strong enough in the State senate to defeat the legislation proposed in accordance with that recommendation, as they were able to defeat certain other provisions of importance to the public in the law enacted at that time. But in that State and in many other States, and presently in all the States of this Union, the people will take up this issue. They will compel legislation which will regulate and control within the States the issuance of stocks and bonds.

It is time the National Government, through the action of this Senate and the other branch of the National Congress should take like action with respect to every corporation over the capitalization of which it may, under the Constitution, exercise a control.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. NELSON. I move to lay on the table the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment proposed by the Senator from Wisconsin.

Mr. MALLORY and Mr. PATTERSON demanded the yeas and nays, and they were ordered.

Mr. CULBERSON. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the end of section 3 the following additional proviso:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

Mr. MALLORY. I suggest the absence of a quorum.

Mr. LA FOLLETTE. On the question of agreeing to the amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DANIEL. A roll call will show whether there is a quorum present or not.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LA FOLLETTE. Mr. President, I should like to know whether this is a yea-and-nay vote on the amendment or a call of the Senate.

The PRESIDING OFFICER. It is a call of the Senate.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Gearin	Nelson
Ankeny	Clay	Hale	Overman
Bacon	Culberson	Hansbrough	Patterson
Bailey	Cullom	Hemenway	Penrose
Benson	Daniel	Hopkins	Perkins
Berry	Dillingham	Kean	Pettus
Blackburn	Dolliver	Kittredge	Piles
Brandegee	Dubois	Knox	Scott
Bulkeley	Elkins	La Follette	Stone
Burkett	Flint	Long	Sutherland
Burnham	Foster	McCumber	Teller
Burrows	Frazier	Mallory	Tillman
Carter	Fulton	Millard	Warner
Clark, Mont.	Gallinger	Morgan	Warren

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Minnesota [Mr. NELSON] to lay on the table the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE].

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I will withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. He is not present. Were he present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. PETTUS (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. CRANE]. He is not present, and I withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. CLARK]. I am in receipt of a note from him, however, stating that I might be at liberty, during his absence, to vote at any time. So I will vote now. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not see that Senator present, and so I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voting in the affirmative). I should like to inquire if the junior Senator from Virginia [Mr. MARTIN] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. CULLOM. I withdraw my vote. I have a general pair with the junior Senator from Virginia.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I will take the liberty to transfer my pair to the Senator from New Jersey [Mr. DRYDEN]. I vote "yea."

Mr. CULLOM. I am informed that I can transfer my pair to the Senator from Vermont [Mr. PROCTOR], so that the Senator from Florida [Mr. MALLORY] and myself can vote. I vote "yea."

Mr. MALLORY. I vote "nay." I desire to state that my colleague [Mr. TALIAFERRO] is detained from the Senate on account of sickness.

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.			
Aldrich	Carter	Hale	Penrose
Allee	Clapp	Hemenway	Perkins
Ankeny	Clark, Mont.	Kean	Piles
Benson	Cullom	Kittredge	Scott
Brandegee	Dillingham	Knox	Sutherland
Bulkeley	Elkins	Long	Warner
Burkett	Flint	McCumber	
Burnham	Fulton	Millard	
Burrows	Gallinger	Nelson	

NAYS—20.			
Bacon	Culberson	Frazier	Overman
Bailey	Daniel	Gearin	Patterson
Berry	Dolliver	Hansbrough	Stone
Blackburn	Dubois	La Follette	Teller
Clarke, Ark.	Foster	Mallory	Tillman

NOT VOTING—36.

Alger	Dryden	McEnery	Proctor
Allison	Foraker	McLaurin	Rayner
Beveridge	Frye	Martin	Simmons
Carmack	Gamble	Money	Smoot
Clark, Wyo.	Heyburn	Morgan	Spooner
Clay	Hopkins	Newlands	Tallaferro
Crane	Latimer	Nixon	Warren
Depew	Lodge	Pettus	Wetmore
Dick	McCreary	Platt	Whyte

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. LA FOLLETTE. I offer an amendment, which I send to the desk.

The SECRETARY. It is proposed to insert, after line 2, page 4, the following additional proviso:

And provided further, That no issue of bonds or stock, in excess of \$5,000 of bonds and \$5,000 of stock per mile of said canal, shall be made under authority of this act until estimates have been submitted to the Secretary of War and be by him authorized as being within the limit of the fair cost of the construction of said canal and its proper equipment and operation.

Mr. LA FOLLETTE. Mr. President, objection was made to the amendment just voted upon by the Senate for the reason that it gave no opportunity to this corporation to make even a preliminary organization. That objection was not well founded; but in order that Senators shall have no excuse to oppose the protection which this amendment is aimed to secure to the public, I now offer an amendment which provides that the question of capitalization shall be submitted to the Secretary of War, but that the corporation may make its organization and issue \$5,000 per mile of stocks without the consent of anybody, but that after such issue shall be made all other issues of stocks and bonds shall be authorized by the Secretary of War as being within the limits of the reasonable cost of the construction of said canal and its proper equipment and operation.

Surely, Mr. President, no argument which has been offered in opposition to the amendment just laid upon the table can apply to the one which I now propose.

Mr. NELSON. I move to lay the amendment upon the table.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE].

Mr. CLAPP (when his name was called). I transfer my pair, as on the previous vote, to the Senator from New Jersey [Mr. DRYDEN], and I vote "yea."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I withhold my vote.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I again announce that I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY]. I also desire to state that my colleague [Mr. CLARK of Wyoming] is unavoidably absent from the Senate to-day.

The roll call was concluded.

Mr. MORGAN. I desire to announce my pair with the Senator from Iowa [Mr. ALLISON].

Mr. MALLORY. The Senator from Mississippi [Mr. McLAURIN] is absent unpaired. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Mississippi [Mr. McLAURIN], and I vote "nay."

The result was announced—yeas 29, nays 19, as follows:

YEAS—29.

Aldrich	Burrows	Hemenway	Perkins
Allee	Carter	Kean	Piles
Ankeny	Clapp	Kittredge	Scott
Benson	Clark, Mont.	Knox	Sutherland
Brandeggee	Dillingham	Long	Warner
Bulkeley	Flint	Millard	
Burkett	Fulton	Nelson	
Burnham	Gallinger	Penrose	

NAYS—19.

Bacon	Dolliver	Hansbrough	Patterson
Berry	Dubois	La Follette	Stone
Clarke, Ark.	Foster	McCumber	Teller
Culbertson	Frazier	Mallory	Tillman
Daniel	Gearin	Overman	

NOT VOTING—41.

Alger	Blackburn	Crane	Dryden
Allison	Carmack	Cullom	Elkins
Bailey	Clark, Wyo.	Depew	Foraker
Beveridge	Clay	Dick	Frye

Gamble	McEnery	Pettus	Tallaferro
Hale	McLaurin	Platt	Warren
Heyburn	Martin	Proctor	Wetmore
Hopkins	Money	Rayner	Whyte
Latimer	Morgan	Simmons	
Lodge	Newlands	Smoot	
McCreary	Nixon	Spooner	

So Mr. LA FOLLETTE's amendment was laid on the table.

Mr. CULBERSON. At the end of line 2, page 4, I offer an amendment.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 3 the following additional proviso:

Provided further, That all stock, bonds, and other evidences of indebtedness issued in excess of that allowed under the provisions of this act shall be absolutely null and void.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

Mr. CULBERSON. At the end of line 9, page 4, I move to add:

Or the creation of additional indebtedness.

So that it will read:

Nor shall any dividend be paid by the issue of additional capital stock or the creation of additional indebtedness.

Mr. NELSON. I have no objection to that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULBERSON. Mr. President—

Mr. DANIEL. I am instructed by the Select Committee on Industrial Expositions—

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CULBERSON. If I can yield to the Senator under the new rule, I will be glad to do so.

The PRESIDING OFFICER. The Chair does not think that under the new rule the Senator from Texas can yield for that purpose.

Mr. DANIEL. I am much obliged to the Senator, but I do not request leave to interrupt him.

Mr. CULBERSON. On page 10, line 25, after the word "company," in the first line of section 14, I move to insert:

Subject to and in conformity with the laws of the respective States through which such canal may be constructed.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. I move to strike out section 5, on page 4.

The SECRETARY. It is proposed to strike out section 5 of the bill, in the following words:

SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word on that amendment. Section 5 provides:

That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

Mr. President, if the tolls which this company is fairly entitled to charge on the commerce to pass through the canal must be subject to the rate fixed by the Supreme Court with respect to other common carriers, then this section ought not to be permitted to remain in the bill.

The Supreme Court of the United States has fixed the measure of the transportation charge which the common carriers of the country may lawfully levy upon the commerce of the country. What is it? A fair return upon the fair value of the property operated for the convenience of the public. Section 5 of this act gives legislative sanction to this corporation to charge tolls upon the commerce that will pass through this canal to lay by a surplus out of which it may pay the principal and interest of its bonds. It authorizes this corporation to impose such transportation charges upon the commerce to pass through the canal as can free its stockholders from furnishing at least one-half of the capitalized value of this canal.

Any charge made upon the commerce of this country which exceeds a fair interest rate upon the amount of money invested in the building of the railroad or the canal is an unjust tax upon the commerce of the country. When you empower by legislative implication a corporation to which you give a charter to charge rates high enough not only to pay interest upon bonds

and dividends upon stocks, but also to set aside a surplus that shall ultimately discharge the bonded obligation of the company, you are surely imposing upon the commerce carried by this company an unlawful and unjust burden.

I am well aware, Mr. President, that under the present system of financing such enterprises the railroads of this country do exactly that thing. They charge on the commerce of the country rates high enough to pay a fair return upon a fair value of their property. They go beyond that. They make the transportation pay a fair return upon the watered and inflated capitalization of the railroads of the country. They go beyond that. They make the transportation of the country pay enough more to set aside a surplus out of which they may make their improvements, and then they make those improvements the basis of new capitalization and advance transportation charges upon the people.

I will put into the RECORD in this connection some of the wrongs the great transportation companies inflicted upon the commerce of this country. From 1899 to 1905 the Baltimore and Ohio Railroad Company made improvements or betterments out of its surplus exacted from the people in excessive transportation charges to the amount of \$19,000,000. The Delaware, Lackawanna and Western from 1901 to 1904 exacted \$13,347,100. The Pennsylvania Railroad Company took by excessive transportation charges out of the people on its lines and made improvements to the extent of \$50,000,000. The Chicago and Northwestern Railway Company took \$26,000,000; the Chicago, Milwaukee and St. Paul Railway Company took \$9,000,000; the Chicago, St. Paul, Minneapolis and Omaha Railway Company, \$31,000,000 between 1899 and 1905; the Illinois Central Railway Company between 1900 and 1905 took \$16,630,000; the Norfolk and Western Railway Company between 1900 and 1905 took \$12,250,000; the Atchison, Topeka and Santa Fe Railway Company between 1896 and 1904 took \$30,000,000; the Great Northern Railway Company between 1898 and 1905 took \$15,850,000; the Northern Pacific Railway Company between 1898 and 1905 took \$19,999,603; and the Union Pacific Railroad Company between 1900 and 1905 took \$13,479,165.

Every dollar of that amount of investment in the betterments of those railroad companies was paid out of the surplus which was exacted from the transportation of this country and imposed upon the consumers of the country in direct violation of the rule laid down by the Supreme Court as to what is the legitimate transportation charge, and section 5 of this bill, which I have proposed by amendment to strike out, will warrant and authorize this canal company to make an excessive charge for the payment of its bonds.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. In one moment.

This canal company is placed by another section of this bill under the control of the Interstate Commerce Commission, and it is provided in that section that the Interstate Commerce Commission shall so regulate tolls upon all of that commerce passing through the canal as to make those tolls reasonable; but I undertake to say that if this Congress, in section 5 of this bill, authorizes this canal company to set apart enough surplus to pay off its bonded indebtedness, any court will be bound to construe the section with respect to any action of the Interstate Commerce Commission in fixing reasonable tolls at such rates as to enable this canal company to set apart enough money to discharge, under the provisions of section 5, all of its bonded indebtedness. Surely, if the people of the country are to be charged tolls sufficiently high to pay off the bonds of this canal company, then the people ought to own the canal and be authorized to take possession of it.

Mr. NELSON. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

Mr. LA FOLLETTE. On that motion I ask for the yeas and nays, Mr. President.

Mr. CULBERSON. Let the amendment be stated, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] is to strike out section 5 of the bill. The Senator from Minnesota [Mr. NELSON] moves to lay the amendment on the table, on which motion the Senator from Wisconsin asks for the yeas and nays. Is there a second? In the opinion of the Chair there is not.

Mr. LA FOLLETTE. Then I ask for a division upon it.

Mr. CULBERSON. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Hansbrough	Overman
Ankeny	Clay	Hopkins	Patterson
Bacon	Culbertson	Kean	Penrose
Benson	Cullom	Kittredge	Perkins
Berry	Daniel	Knox	Pettus
Beveridge	Dillingham	La Follette	Piles
Brandegee	Dolliver	Long	Scott
Bulkeley	Dubois	McCumber	Spooner
Burnham	Flint	Mallory	Stone
Burrows	Foster	Millard	Teller
Carter	Frazier	Morgan	Warner
Clapp	Fulton	Nelson	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present.

Mr. LA FOLLETTE. Mr. President, I renew my request for the yeas and nays upon the pending amendment to strike out section 5.

The yeas and nays were ordered.

Mr. BERRY. What is the question, Mr. President—on the motion to lay the amendment on the table?

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota [Mr. NELSON] to lay on the table the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I announce my pair on this amendment and other amendments to this bill with the senior Senator from Massachusetts [Mr. LODGE].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Vermont [Mr. PROCTOR], and will vote. I vote "yea."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. In his absence, I will refrain from voting. I desire this statement to stand for the remainder of the day.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. I transfer that pair to the Senator from Virginia [Mr. MARTIN], and vote. I vote "nay."

Mr. PETTUS (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER. I again announce my pair with the Senator from Tennessee [Mr. CARMACK]. If I were at liberty to vote, I should vote "yea." I will not again announce the pair, but will let it stand as announced for the remainder of the afternoon. It is a general pair.

Mr. STONE (when his name was called). The senior Senator from Kentucky [Mr. BLACKBURN] was compelled to leave the Chamber, and asked me to pair with him on the bill. I transfer the pair to the junior Senator from Indiana [Mr. HEMENWAY], and I will vote. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. PENROSE. The senior Senator from New Hampshire [Mr. GALLINGER] has asked me to make the announcement that he has been compelled to leave the Chamber and is paired with the junior Senator from Maryland [Mr. WHYTE]. If the Senator from New Hampshire were present, he would vote "yea."

Mr. FLINT. The junior Senator from Nevada [Mr. NIXON] desired me to make the announcement that he is paired with the junior Senator from Mississippi [Mr. McLAURIN]. If the Senator from Nevada were present, he would vote "yea."

Mr. CLAPP. I again announce the transfer of my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "yea." I make this announcement of the transfer of my pair on this measure for the rest of the afternoon, and will not make further statement of it.

Mr. DANIEL. I beg leave to state that the senior Senator from Maryland [Mr. RAYNER] is paired with the senior Senator from New York [Mr. PLATT] on this bill and on all party votes.

Mr. BAILEY. I understand that no quorum has voted, and therefore, in spite of my pair with the Senator from West Virginia [Mr. ELKINS], I will vote in order to make a quorum. I vote "nay."

Mr. SPOONER. In order to make a quorum, I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Idaho [Mr. HEYBURN], and will vote. I vote "yea."

Mr. MORGAN. I will take the liberty of voting to make a quorum. I vote "nay."

Mr. HOPKINS. In order to make a quorum, I will transfer my pair with the junior Senator from South Carolina [Mr. LATIMER] to the Senator from Delaware [Mr. ALLEE], and will vote. I vote "yea."

The result was announced—yeas 32, nays 14, as follows:

YEAS—32.

Aldrich	Carter	Hansbrough	Nelson
Ankeny	Clapp	Hopkins	Penrose
Benson	Cullom	Kean	Perkins
Beveridge	Dillingham	Kittredge	Piles
Brandegee	Dolliver	Knox	Scott
Bulkeley	Flint	Long	Spooner
Burnham	Foster	McCumber	Stone
Burrows	Fulton	Millard	Warner

NAYS—14.

Bacon	Culberson	La Follette	Teller
Bailey	Daniel	Mallory	Tillman
Berry	Dubois	Morgan	
Clarke, Ark.	Frazier	Patterson	

NOT VOTING—43.

Alger	Dick	Latimer	Platt
Allee	Dryden	Lodge	Proctor
Allison	Elkins	McCreary	Rayner
Blackburn	Foraker	McEnery	Simmons
Burkett	Frye	McLaurin	Smoot
Carmack	Gallinger	Martin	Sutherland
Clark, Mont.	Gamble	Money	Taliaferro
Clark, Wyo.	Gearin	Newlands	Warren
Clay	Hale	Nixon	Wetmore
Crane	Hemenway	Overman	Whyte
Depew	Heyburn	Pettus	

So Mr. LA FOLLETTE'S amendment was laid on the table.

Mr. PATTERSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, page 3, it is proposed to strike out the following proviso, beginning in line 14:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value.

And to insert in lieu thereof the following:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money at the face or par value of such stock, and such bonds shall neither be sold nor paid for at a greater discount than 5 per cent of their face or par value.

Mr. PATTERSON. Mr. President, when I explained this morning that under the provisions of this section at least \$80,000,000 worth of bonds and \$80,000,000 worth of stock might be issued and sold without regard to the price and before even any work was done, thus saddling \$160,000,000 worth of obligations upon property that could not cost more than \$50,000,000, I think the Senator from Pennsylvania [Mr. KNOX] said that he could see no objection to the amendment that I suggested then and now send up for consideration, with this exception that the amendment I now present allows a margin of 5 per cent on the price at which the bonds shall be sold and paid for, allowing a discount of 5 per cent instead of requiring that the bonds shall be sold and paid for at their face value. If this amendment be adopted, it will prevent the sale and issuance of stock at less than the par value of the stock, and will allow a margin of discount of 5 per cent upon the bonds when they are issued and sold.

Mr. KNOX. Mr. President, I did not reply in the early part of the afternoon to that portion of the Senator's argument which referred to this clause of the bill in extenso, but the frequent interruptions which I inflicted upon him indicated to him, I think, the position which I take with reference to this section. I think the interests of the public are fully guarded by the provisions of the bill as it came from the committee. I assume that the Senator from Colorado unconsciously stated that at least \$80,000,000 of bonds and at least \$80,000,000 of stock could be saddled upon this corporation. I think he meant that, at most, that amount of indebtedness could be incurred under the provisions of this bill.

Mr. PATTERSON. Yes; that is what I meant—"at most" that much could be saddled.

Mr. KNOX. That that would be possible; yes, sir. Mr. President, the language of this proviso, to my mind, absolutely prohibits the issuing of stock unless it has been fully "paid in in money or property at its fair value." The language of the second proviso is:

Provided further, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canal, etc.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. KNOX. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from Pennsylvania in that connection to the fact that at the end of that provision an amendment was added, on motion of the Senator from Texas [Mr. CULBERSON], that all bonds in excess of that should be null and void.

Mr. KNOX. I am obliged to the Senator for calling my attention to that. It had for the moment escaped me. But it is undoubtedly clear that no stock can be issued unless it is fully paid up either in money or in property. If the bonds and the stocks together can not in any event exceed in the aggregate what the property actually cost to construct, I do not see how it is possible for any fraud to be perpetrated on the public under the provisions of this bill, particularly having regard to the amendment to which the Senator from Minnesota has just called my attention, providing that any overissue beyond the amount that will be necessary to construct this canal will be null and void. Under the restraint we have placed upon the board of directors who will manage the affairs of this corporation they themselves would be personally responsible to the holders of those bonds, to the corporation, or to whoever might suffer for any issue which was in excess of the actual cost of the property, and the issuing of bonds which are by the law chartering the corporation null and void would make every man who participated in that issue liable to whoever might suffer by reason of it.

If I had any doubt at all in my mind as to these provisions being adequate to protect the public against fictitious securities, I should not hesitate to vote for the amendment; but having no doubt, I am entirely satisfied with the provisions of the bill as it came from the committee.

Mr. PATTERSON. Mr. President, I at least caused the Senator from Pennsylvania, when I was speaking this morning, to agree with me that such a change in the proviso was possibly desirable. Since then he has satisfied himself that it is not necessary. A consideration of the language of the proviso that is stricken out, it seems to me, should convince every Senator that I have not been mistaken in my construction, and also that the amendment of the Senator from Texas does not cure the defect. What is the meaning of the language:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for?

If you subscribe for a thousand shares of stock at \$100 a share, that is what you subscribe for, but that has nothing whatever to do with the sum you pay for that thousand shares of stock. When one subscribes for a thousand shares of stock—

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. PATTERSON. I will yield, but I should like to make myself plain to the Senator from Pennsylvania.

Mr. KNOX. I interrupt the Senator with great reluctance; but the Senator's observations must necessarily create a false impression in the minds of the Senate. The proviso does not stop with the words "that the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for," but it says "subscribed for and paid in in money or property at its fair value."

Mr. PATTERSON. Very well, Mr. President; I was coming to that. The Senator from Pennsylvania inferentially admits that if we stop at the words "subscribed for," then my interpretation of the language would be correct. I think I will demonstrate to him that if that is correct, then the other words to which he called attention in no wise change the legal effect of the clause:

Provided, however, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for.

If you say you have subscribed for a thousand shares of the stock of some corporation, you do not convey any idea of the amount you have agreed to pay for it. You have simply subscribed for a thousand shares of stock; and the next inquiry may be, What was the price of the stock? How can the words "and paid for in money" change the legal effect of the language? It simply means that you have subscribed for a certain number of shares of stock, and the price you have agreed to pay for the shares shall be paid in money or property at a fair value—that, and nothing less and nothing more.

Mr. KNOX. I think the Senator from Colorado is unintentionally mixing two separate and distinct propositions. A subscription to the capital stock of a corporation is a contract to pay for as many shares of that stock at par as may be set opposite the name of the subscriber. It is wholly and entirely different from a contract to purchase a certain number of shares of stock from an outsider or in the market or in any other place where you pay for the stock, no matter what its par

value may be, only the price you agree to pay. When you make a subscription, and that is a technical word which has been clearly over and over again defined, you make a contract with the corporation and with its creditors that you will respond to the full par value of the stock for which you have subscribed. I think there is no lawyer in the Senate Chamber who will differ with me upon that proposition.

Mr. PATTERSON. Again the Senator from Pennsylvania agrees I am right provided we use the word "purchase" instead of "subscription."

Mr. KNOX. No; that would change it the other way.

Mr. PATTERSON. Let us see. If the naked proposition is a subscription for shares of stock, then perhaps the position of the Senator from Pennsylvania may be right; but if the corporation having the stock puts it upon the market and fixes the terms of the subscription, the price at which it will be paid for, as it has a perfect right to do, then the subscription is for so many shares of stock at the price fixed by the owner, whether it is the company or a private individual. So undeniably I am right in every position I have taken.

Mr. SPOONER. That is, if it is without notice.

Mr. PATTERSON. What?

Mr. SPOONER. The purchaser of shares of stock from a corporation which have not been paid for is in law as to liability the same as a subscriber. If he sells it to a bona fide purchaser, the certificate reciting that the stock is full paid, the situation is different.

Mr. PATTERSON. If subscriptions for stock are asked for and the terms are not fixed by the company, the courts might hold that it was a subscription for stock at the face or par value. But the owner of stock, it being the company, may fix the terms upon which the stock may be subscribed for, and there is nothing in this bill which prevents the company from fixing the terms upon which subscriptions shall be taken or that prohibits the company from offering the stock upon the market, either to accompany the bonds or independently of the bonds, at whatever price the corporation may fix.

Under those circumstances, all that this proviso requires is that the debt created by the issue of bonds shall not exceed the amount of stock subscribed for, provided the price at which it was subscribed is paid. In other words, no matter what is paid for the stock, for every dollar of stock there may be a dollar of bonds. For every dollar of stock at the face and par value, no matter at what price the company may offer it for sale, the company may issue a bond which represents the same face value.

The Senator from Pennsylvania must at least be frank enough to admit that there is room for controversy upon this proposition. If such be the case, then there is no reason in the world why this amendment should not be adopted, because, according to the statement of the Senator from Pennsylvania, it simply effects in terms what he says will follow as an inference. I differ from him most emphatically and clearly on the proposition. I have no question in the world that this stock may be subscribed for at any price that the company may fix, and then a share of stock may be accompanied by a bond, dollar for dollar, and the bonds may be placed upon the market at whatever price the company sees fit to fix.

It is by reason of these provisions that I have asserted and maintained that it is entirely within the power of this company to saddle a debt of a hundred and sixty million dollars upon this public work which ought not to cost at the most liberal estimate, allowing generously and broadly for the increased price of everything that will enter into the construction of the canal, \$50,000,000. Under the bill, as it stands now, allowing \$50,000,000 for the construction of the canal, which is \$17,000,000 more than was estimated two years ago, according to this pamphlet, there is \$110,000,000 to go into some one's pocket, and then interest is to be collected upon the full amount, which will go into the pockets of the owners of those securities in the way of charges and tolls upon the shippers who shall use this instrumentality.

I appeal to the Senator from Pennsylvania if—why should I doubt his sincerity?—he believes such is the meaning of the bill, to allow the substitute for the proviso to go in, which puts it beyond peradventure.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. LA FOLLETTE. I suggest the absence of a quorum.

Mr. PENROSE. I should like to ask the Senate—

The PRESIDING OFFICER. The Senator from Pennsylvania is out of order.

Mr. PENROSE. I should like to have unanimous consent

that the bill may be taken up after the routine morning business on Monday morning.

The PRESIDING OFFICER. The Senator from Pennsylvania is out of order. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich	Clapp	Hopkins	Overman
Ankeny	Clarke, Ark.	Kean	Patterson
Bacon	Clay	Kittredge	Penrose
Bailey	Cullerson	Knox	Perkins
Benson	Cullom	La Follette	Pettus
Berry	Dillingham	Long	Piles
Brandeggee	Dolliver	McCumber	Scott
Bulkeley	Dubois	McEnery	Spooner
Burkett	Flint	Mallory	Stone
Burnham	Foster	Millard	Teller
Burrows	Frazier	Morgan	Tillman
Carter	Fulton	Nelson	Warner

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present.

Mr. PENROSE. In case the bill shall not be disposed of this afternoon—and I am anxious that it should be, if possible—I ask unanimous consent that it may be taken up after the conclusion of the routine morning business on Monday morning.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill now under consideration be taken up immediately after the routine morning business on Monday morning, in case it is not finished to-night.

Mr. LA FOLLETTE. I would not object to that, if the bill is to be laid aside at 5 o'clock to-day, but if we are to be held here an unreasonable length of time—

Mr. PENROSE. I did not hear the Senator from Wisconsin.

Mr. LA FOLLETTE. I would not object to having the bill taken up again under the same order, if it shall be laid aside when 5 o'clock arrives to-day, if it has not been disposed of.

Mr. PENROSE. If the Senator desires that, I have no objection, although I am sincerely anxious, for obvious reasons, for the convenience of the Senators, that this matter may be disposed of to-day, if possible.

Mr. PATTERSON. I desire to say to the Senator from Pennsylvania that I know of no good reason, if we shall remain in session to-day as long as we usually do, why the bill should not be disposed of. I have only one other amendment to offer.

Mr. PENROSE. Then the probabilities are it will be disposed of. I wanted to make my request and have it agreed to before the absence of a quorum should be disclosed.

Mr. KNOX. I hope Senators will not impose any conditions upon the consent asked for by my colleague, and that we may go along in the hope that we can get through with the bill to-night.

Mr. PATTERSON. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. NELSON. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment proposed by the Senator from Colorado.

Mr. PATTERSON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll, and Mr. ALDRICH voted "yea."

Mr. DOLLIVER. I should like to have the amendment reported.

The PRESIDING OFFICER. It is too late.

Mr. DOLLIVER. I desire to hear what the amendment is.

The PRESIDING OFFICER. A motion to lay on the table is not debatable.

Mr. DOLLIVER. I should like to have the amendment reported.

The PRESIDING OFFICER. The Senator from Iowa is out of order. The roll call will be proceeded with.

Mr. DOLLIVER. I—

The PRESIDING OFFICER. The Senator from Iowa is out of order. The roll call will be proceeded with.

Mr. DOLLIVER. I simply desire to enter a protest against any such disposal of our business here.

The Secretary resumed the calling of the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the Senator from Vermont [Mr. PROCTOR], and will vote. I vote "yea."

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. I transfer my pair to the Senator from Virginia [Mr. MARTIN], and will vote. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SPOONER (when his name was called). I announced my pair a while ago.

Mr. STONE (when his name was called). I again transfer the temporary pair I have with the senior Senator from Kentucky [Mr. BLACKBURN] to the Senator from Indiana [Mr. HEMENWAY], and I ask that the announcement may stand for the remainder of the day. I will vote. I vote "yea."

Mr. WARREN (when his name was called). I have already announced that I have a general pair, but an arrangement has been made to transfer the pair so that the senior Senator from Mississippi [Mr. MONEY] will stand paired with the junior Senator from Idaho [Mr. HEYBURN], and I will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 28, nays 11, as follows:

YEAS—28.

Aldrich	Cullom	Knox	Perkins
Ankeny	Dillingham	Long	Piles
Brandeggee	Flint	McCumber	Scott
Bulkeley	Fulton	McEnery	Stone
Burnham	Hansbrough	Millard	Sutherland
Carter	Kean	Nelson	Warner
Clapp	Kittredge	Penrose	Warren

NAYS—11.

Bacon	Culberson	La Follette	Patterson
Berry	Dubois	Mallory	Tillman
Clarke, Ark.	Frazier	Overman	

NOT VOTING—50.

Alger	Crane	Hale	Pettus
Allee	Daniel	Hemenway	Platt
Allison	Depew	Heyburn	Proctor
Bailey	Dick	Hopkins	Rayner
Benson	Dolliver	Latimer	Simmons
Beveridge	Dryden	Lodge	Smoot
Blackburn	Elkins	McCreary	Spooner
Burkett	Foraker	McLaurin	Taliaferro
Burrows	Foster	Martin	Teller
Carmack	Frye	Money	Wetmore
Clark, Mont.	Gallinger	Morgan	Whyte
Clark, Wyo.	Gamble	Newlands	
Clay	Garin	Nixon	

The PRESIDING OFFICER. No quorum has voted.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, June 18, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 16, 1906.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Be graciously near to us, O God, our Heavenly Father, with the uplift of Thy spirit as we journey through this day, that we fall not into temptation or loiter by the way, but with all diligence and patience and perseverance prosecute the work which lies before us with an eye single to Thy glory.

We lift up our hearts in fervent prayer, O God, for the Member who lies near to death's door. Be with his spirit, comfort the wife in her ministrations, and be with all. Bring us finally when Thou art done with us here in this life to Thee, through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I call up the conference report on the bill H. R. 19264—the diplomatic and consular appropriation bill—and I ask unanimous consent that the statement of the conferees be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the diplomatic and consular appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "one hundred and nine thousand two hundred and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "thirty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the words "and fifty-five;" and the Senate agree to the same.

R. G. COUSINS,

C. B. LANDIS,

H. D. FLOOD,

Managers on the part of the House.

EUGENE HALE,

S. M. CULLOM,

H. M. TELLER,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report:

Amendment No. 1 restores Brazil to the \$17,500 class, as previously recommended by the Committee on Foreign Affairs.

Amendments Nos. 2 and 3 appropriate for Turkey as an embassy instead of legation, and increases salary to rate given other ambassadors, namely, \$17,500.

Amendments Nos. 4, 5, 8, 9, 10, 11, 12, 14, 16, 17, 18, 20, 22, and 23 make necessary verbal changes only.

Amendment No. 6 restores Belgium to the \$12,000 class, as previously recommended by the Committee on Foreign Affairs.

Amendment No. 7 restores Cuba to the \$12,000 class, the same amount that was appropriated for this mission last year, and restores the Netherlands and Luxemburg to the same class, as recommended by the Committee on Foreign Affairs.

Amendment No. 13 increases the salary of the agent and consul-general at Cairo from \$5,000 to \$7,500 in view of the passage of the reorganization bill taking away his fees of about \$1,500.

Amendment No. 15 increases the salary of the secretary of legation to Belgium from \$2,000 to \$2,625.

Amendment No. 19 decreases the salary of the secretary of legation to Nicaragua, Costa Rica, and San Salvador from \$2,800 to \$2,000.

Amendment No. 21 inserts the words "whenever hereafter appointed" in the paragraph providing that clerks to embassies and legations shall be American citizens.

Amendments Nos. 24 and 25 increase the appropriation for the repair of the consular building at Tahiti, Society Islands, by \$300, and change the word "repair" to "rebuilding."

Amendment No. 26 appropriates \$10,000 for the preparation of reports and material necessary to enable the Secretary of State to utilize and carry on the work partly performed by the Joint High Commission of 1898 for the settlement of questions between the United States and Great Britain relating to Canada.

Amendment No. 27 appropriates \$25,000 for continuing the survey of the boundary line between Alaska and Canada.

Amendment No. 28 appropriates \$20,000 for continuing the more effective marking of the boundary line between the United States and Canada.

Amendment No. 29, as passed by the Senate, appropriates \$30,000 for the expenses of a joint commission, to be constituted if the Government of Great Britain concurs, to investigate and report upon the conditions and uses of the St. John River, and to make recommendations for the regulation of the use of the waters thereof by the citizens and subjects of the United States and Great Britain, according to the provisions of treaties between the two countries. The conferees have agreed to recommend that this sum be reduced to \$20,000, and as amended it is recommended that the House recede.

Amendment No. 30 authorizes the Secretary of State to submit to Congress a plan for the erection of consular buildings in China, Korea, and Japan, but makes no appropriation.

Amendment No. 31 appropriates \$150,000 for the purchase of our present legation building in Constantinople.

Amendments Nos. 32 and 33 provide for consuls at Boma, in the Kongo Free State, and at Calgary, Canada, at \$4,500 and \$2,000, respectively, and in view of the apparent great necessity for consular representation at those two places, it is recommended that the House agree to these provisions.

Amendment No. 34 increases from \$10,000 to \$15,000 the fund to pay the expenses of consular inspectors for the coming year.

Amendment No. 35 increases from \$500 to \$1,000 the limit of the amount which the Secretary of State may allow to any one consulate for clerk hire, where the clerk hire is not specifically allowed by law, and amendment No. 36 increases the fund from which such clerk hire is paid from \$50,000 to \$100,000, being a reduction of \$55,000 from the amount appropriated by the Senate.

Amendment No. 37 increases from \$10,000 to \$12,000 the allowance for the employment of interpreters, guards, etc., in the Turkish dominions.

Amendment No. 38 increases from \$300,000 to \$350,000 the fund for the contingent expenses of consulates, which increase is made necessary by the provision for the payment of mileage for consular officers.

The amount of the bill as recommended by the conferees is \$65,000 less than passed by the Senate.

R. G. COUSINS,
C. B. LANDIS,

Managers on the part of the House.

Mr. COUSINS. I move the adoption of the conference report. The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SALARIES OF TEACHERS IN DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I call up the conference report on the bill (H. R. 18442) to fix and regulate the salaries of the teachers, school officers, and other employees of the board of education in the District of Columbia, and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18442, "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 13, 14, 16, 17, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out in said amendment the words "in the grades;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 5, line 14, strike out the word "schools" and insert before the word "high" the word "normal;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word proposed in said amendment insert the word "four;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: After the word "School," in the last line of said amendment, insert the words "but this limitation shall not apply to pupils who have

already entered upon a continuous course of two or more years;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "board" in said amendment and insert the word "boards;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Page 8, line 9, after the words "normal schools," strike out the word "or" and insert the word "and;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of examiners. No person without a degree from an accredited college, or a graduation certificate from an accredited normal school, such normal-school graduate to have had at least five years of experience as a teacher in a high school, shall hereafter be appointed to teach any academic or scientific subjects in the normal, high, and manual-training schools;" also strike out the word "board," on page 8, line 12, and insert the word "boards;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out in said amendment the word "board," in line 1, and insert the word "boards;" also strike out the words "this board" and insert the words "these boards."

EDWARD MORRELL,
WILLIAM S. GREENE,
F. A. McLAIN,

Managers on the part of the House.

E. J. BURKETT,
N. B. SCOTT,
JNO. M. GEARIN,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, submit the following statement in explanation of the action agreed upon and recommend in the conference report:

Amendment No. 1 provides that three of the board of education shall be women. There are three women members of the present board. The House recedes.

Amendment No. 2 provides that meetings of the board of education shall be open to the public, except meetings dealing with the appointment of teachers. The House recedes.

Amendment No. 3 corrects the text of the bill. The House recedes.

Amendment No. 4 provides that the white assistant superintendent of schools, under the direction of the superintendent, shall have general supervision over the white schools and be charged with the unification of the educational work of the white high schools and of all academic and scientific studies in the McKinley Manual Training School and the Business High School. Under the present system these duties devolve upon the director of high schools. The House recedes.

Amendment No. 5 prescribes the duties of the colored assistant superintendent, which correspond to those of the white assistant superintendent, and are enumerated in the explanation to amendment No. 4. The House recedes.

Amendment No. 6 provides for the appointment of a director of intermediate instruction for the white high schools, who shall have charge, under the direction of the superintendent, of the educational work of grades 5 to 8, inclusive. The white assistant superintendent under the present system has charge of the educational work in these grades. The result of amendments Nos. 4 and 6 is to eliminate the position of director of high schools and place the supervision of the educational work in the white high schools and in the McKinley Manual Training School and the Business High School under the immediate control and direction of the white assistant superintendent, he being the next ranking officer to the superintendent, and properly should be charged with the supervision of higher educational work. The position of director of high schools being eliminated and the position of director of intermediate instruction being created, leaves the number of officers and their salaries the

same as provided for in the bill as it passed the House. The House recedes.

Amendment No. 7 provides for the appointment of a supervisor of manual training, who shall have supervision, under the direction of the superintendent, of manual training instruction. This covers an omission, as there is such an official at present and provision was made for his salary in section 9 of the bill as passed by the House. The House recedes and agrees with an amendment.

Amendment No. 8 provides for the appointment of a superintendent of buildings and supplies and for one clerk, one stenographer, and one inspector of janitors as his assistants. The Senate recedes.

Amendment No. 9 eliminates assistants to eighth-grade principals. By the provisions of this bill all school principals will now receive, in addition to their grade salaries, \$30 per annum for each session room in the grade school buildings over which each has charge. Inasmuch as this extra compensation has been provided for this service, it was decided that assistants were not necessary. The House recedes.

Amendment No. 10 corrects the text of the bill. The House recedes.

Amendments Nos. 11 and 12 fix the salaries of the teachers of manual training, drawing, physical culture, music, domestic science, and domestic art in the graded schools in classes 3 to 4, inclusive, instead of classes 2 to 5, inclusive, as provided in the House bill. As most of the teachers above enumerated now receive salaries provided for in class 3, it was deemed desirable to limit the minimum salary to \$650 and the maximum to \$1,100, resulting in a final saving in each case as between the schedule of class 4 and the schedule of class 5. The House recedes.

Amendments Nos. 13, 14, 16, and 17 provided a higher scale of salaries for high school teachers of manual training, drawing, physical culture, and music than for teachers of domestic art and domestic science. The House bill provided that these teachers should all be grouped in classes 4 and 5. The Senate recedes.

Amendment No. 15 corrects an omission in the bill as passed by the House by inserting "normal and manual training schools" in the paragraph providing salaries for the teachers mentioned above in the explanation of amendments Nos. 13, 14, 16, and 17, and strikes out the word "schools" to correct the text. House recedes and agrees with additional verbal amendment.

Amendment No. 18 provides that the first increase to be received under the terms of this bill in the case of the teachers enumerated in the paragraph shall not exceed \$150 per annum, and also provides that the first two years shall be probationary in the case of special beginning teachers in the normal school. The House recedes.

Amendments Nos. 19 and 20 correct the text of the paragraph, and provide that the salary of the librarian of the teachers' library shall be class 4, instead of class 5 as in the House bill. The House recedes.

Amendment No. 21 provides that the M Street High School and the Armstrong Manual Training School shall be classified into four departments, instead of into three as provided by the Senate amendment and into five as provided in the House bill. The House recedes and agrees with an amendment.

Amendment No. 22 prevents the heads of departments from interfering with the discipline of the schools, and prescribes that no classes shall be formed in the high schools with less than ten pupils, except in the M Street High School in the case of subjects not offered as well in the Armstrong Manual Training School. This limitation, however, is not to apply to pupils who have already entered upon a continuous course of two or more years. The House recedes and agrees with an amendment.

Amendments Nos. 23, 24, 25, and 26 provide that in the promotion of teachers from one class to another the recommendation of the officer having direct supervision of the teacher must be had before action is taken in the matter by the board of education, and, in the case of colored teachers, upon the additional recommendation of the colored assistant superintendent. The House recedes.

Amendments Nos. 27, 28, 29, and 30 provide that teachers shall be promoted for superior work from group A to group B of class 6 only after oral and written examinations by the boards of examiners, and eliminate certain paragraphs of the bill as passed by the House to make the subject-matter conform to the changes previously made. The House recedes.

Amendments Nos. 31 and 32 provide that in the promotion of teachers for superior work from Group A to Group B of class 6 such teachers shall be recommended for examination by their respective principals in the case of all high and normal school

teachers and teachers of manual-training schools, through and with the approval of the superintendent of schools; and in the case of colored teachers such recommendation shall be made by the colored assistant superintendent, through and with the approval of the superintendent of schools. The House recedes.

Amendments Nos. 33, 34, 35, 37, 38, and 39 provide for boards of examiners to examine applicants before appointment as teacher, head of department, principal, or supervising principal in the graded, high, manual-training, or normal schools, and that no director, assistant director, or teacher of special studies shall be appointed without being examined. The House recedes.

Amendment No. 36 provides that no person without a degree from an accredited college or a graduation certificate from an accredited normal school, such normal-school graduate to have had at least five years of experience as a teacher in a high school, shall be appointed to teach any academic or scientific subject in the normal, high, or manual-training schools. This provision is made with the view of preventing teachers from coming here indiscriminately on account of the increase of salary provided and for the purpose of securing a higher grade of teachers as vacancies occur. The Houses recedes and agrees with amendments.

Amendment No. 40 corrects an omission in the House bill. The House recedes.

Amendments Nos. 41, 42, 43, 44, and 45 are verbal and correct the text of the bill. The House recedes.

Amendment No. 46 gives to each school principal more authority over the conduct of his individual school. The House recedes.

Amendment No. 47 makes a slight increase in the salaries of the directors of drawing, physical culture, and music, giving them an annual increase of \$100 for five years instead of an annual increase of \$50 for five years as provided in the House bill. The House recedes.

Amendment No. 48 provides an increase of \$200 per annum in the salary of the director of primary instruction. The House recedes.

Amendments Nos. 49, 50, 52, and 53 correct the text of the bill and make it conform with changes that have been made previously. The House recedes.

Amendment No. 51 provided that the white assistant superintendent shall have had at least two years of experience as an instructor in high schools or as superintendent or director of high schools. The Senate recedes.

Amendment No. 54 is for the purpose of preventing any of the officials designated in the paragraph from receiving, under the operation of this bill, a less salary than they are receiving at the present time. The House recedes.

Mr. MORRELL. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the conference report be adopted.

The question was taken; and the motion was agreed to.

TELEPHONE SYSTEM ON ISLAND OF OAHU, HAWAII.

The SPEAKER laid before the House the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The Clerk read the bill, as follows:

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the 1905 session thereof, authorize the Standard Telephone Company (Limited) to construct, maintain, and operate a telephone system on the island of Oahu, Territory of Hawaii, and which said act was approved by the governor of said Territory on the 26th day of April, 1905; and

Whereas the act of Congress to provide a government for the Territory of Hawaii, approved April 30, 1900, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Be it enacted, etc., That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April 26, 1905, be, and is hereby, amended, and as amended is hereby ratified, approved, and confirmed, as follows, to wit:

"ACT 66.

"An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited).

"Be it enacted by the legislature of the Territory of Hawaii:

"SECTION 1. The right is hereby granted to the Standard Telephone Company (Limited), a corporation organized under the laws of the Territory of Hawaii, to construct, operate, and maintain, for the term of twenty-five years from the date of the approval of this act, a telephone and electrical communicative system, aerial, underground, or subaqueous, in, upon, along, and under the highways and public roads of the said island of Oahu, and under the lands and waters of said island.

"SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after 1912, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary.

"SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

"SEC. 4. All underground wires shall be in conduits not less than 2 feet beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public, and all trenches in which conduits are placed, as well as the manholes connected with the system, shall be constructed in a substantial and workmanlike manner.

"SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

"The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the superintendent of public works or other official or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

"SEC. 6. The said Standard Telephone Company (Limited) shall erect and maintain its poles and lines so as not to unnecessarily interfere with the public use of the streets, alleys, lanes, and highways, and wherever its lines are laid underground shall cause all excavations to be immediately filled upon the completion of such work, and the streets, alleys, lanes, and highways restored to the condition in which they were before such excavations were made.

"SEC. 7. The said Standard Telephone Company (Limited) shall have the right at all times to construct and repair its underground or overhead wires or appliances by them required in the construction, equipment, operation, and maintenance of said telephone system, and to lay, maintain, and operate such additional underground or overhead wires as the business of the said Standard Telephone Company (Limited) may require.

"SEC. 8. The said Standard Telephone Company (Limited) shall from time to time make such rules and regulations for the government of its affairs, not inconsistent with the laws of the Territory of Hawaii, as will protect it from loss, misuse of its instruments, or abuse of its service.

"SEC. 9. Any person willfully and maliciously doing any of the following acts, to wit: Obstructing the free communication of intelligence, message, conversation, or tapping the lines of the said Standard Telephone Company (Limited); defacing, marring, or injuring the poles, wires, or other appliances used in operating, using the poles, fences, houses, or other property, without consent, for advertising purposes, or in any other manner inflicting injury to the property, or causing annoyance and embarrassment in the enjoyment of its property, rights, or franchises to the said Standard Telephone Company (Limited) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding \$50 or by imprisonment not exceeding a term of three months, or, upon a second or further conviction, by both such fine and imprisonment.

"SEC. 10. Whenever it shall be deemed necessary that the rights of way over private property should be taken by the said Standard Telephone Company (Limited) and the same can not be acquired by purchase for a reasonable or fair compensation, the said Standard Telephone Company (Limited) is hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said right of way in the manner hereinafter provided: *Provided, however*, That this act shall not be construed to allow the said Standard Telephone Company to condemn the equipment of any other electric or telephone company.

"SEC. 11. If the person, persons, association, or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefor, the said Standard Telephone Company (Limited) may institute condemnation proceedings in the circuit court of the first circuit of the Territory of Hawaii, which is hereby empowered to hear and determine such condemnation proceedings.

"SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

"SEC. 13. The said Standard Telephone Company (Limited), when-

ever from time to time it shall be deemed expedient in furtherance of the objects by this act authorized, shall have the power to borrow money and to secure the payment thereof with interest agreed upon by mortgages of all or any portion of its property, which may include the franchise, and any such mortgages may be issued, if it be deemed advisable, in the form of mortgage bonds; such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates, as well as the income and receipts of the property from whatever source derived. Such mortgages and trust deeds may also contain such provisions as the said Standard Telephone Company (Limited) may deem advisable and proper for the protection of all concerned, relative to payment of interest and principal, possession and operation of said telephone system or other property, default, remedies, foreclosures, powers of mortgagees or trustees in the matter, and all and every other matter which may be deemed wise and proper to insert therein.

"SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of 2½ per cent of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

"SEC. 15. In case of purchase, lease, or acquisition of the property of any other telephone company, as provided in sections 3 and 12 of this act, by the Standard Telephone Company, then and in that case the tax provided for under section 14 of this act shall be paid to the Territory from the date of such purchase, lease, or acquisition.

"SEC. 16. Such portion of the general telephone system required for a general public service as is to be operated in underground conduits, and within one-half mile radius of the point designated in section 2 of this act, shall be completed and in operation within two years from the date that this act is approved by the Congress of the United States; and if the said Standard Telephone Company, or any other person or corporation claiming under this act, shall fail to comply with the provisions of time limitation as expressed in this section, then in that case all rights under this act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.

"SEC. 17. Any person using the telephone instruments of the Standard Telephone Company shall be liable to pay for the use of such instruments at the following rates, namely:

"(a) Residences situated at such distances from the central office of the company as to require not more than 5 miles of constructed line, not more than \$2.50 per month;

"(b) Places of business situated at such distances from the central office of the company as to require not more than 5 miles of constructed line, not more than \$4 per month;

"(c) For instruments at places situated at such distances from the central office of the company requiring more than 5 miles of constructed line, not more than \$6.25 per month;

Provided, however, That nothing in this section contained shall prohibit the making of any special contract for any special service.

"SEC. 18. The said Standard Telephone Company shall during the existence of this franchise have and maintain an office for the transaction of business of the company at some place in Honolulu convenient of access to the public, and a majority of the board of directors of said company and other persons having the charge, management, and control thereof shall be residents of the Territory of Hawaii.

"SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

"SEC. 20. *Forfeiture of franchise.*—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

"SEC. 21. *Franchise not exclusive.*—It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to install or operate a telephone system or systems.

"SEC. 22. This act shall take effect from and after its approval by the Congress of the United States of America.

"Approved this 26th day of April, anno Domini 1905.

"G. R. CARTER,
Governor of the Territory of Hawaii."

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said act.

Mr. PAYNE. Mr. Speaker, I would like to inquire of the gentleman in charge of the bill if it relates to anything more than the telephone and telephone companies in Hawaii.

Mr. POWERS. Nothing.

Mr. PAYNE. And it does not include any other franchise whatever?

Mr. POWERS. No; no franchise whatever, and no exclusive franchise after this. It expressly states in the bill that it shall not be so construed. It is simply a ratification, as required by the organic act, of a telephone concession which was granted by the legislature of Hawaii. We put in certain amendments, making it a better bill, and reported the bill from the Committee on Territories of the House. A similar bill was reported unanimously from the committee of the Senate and has passed the Senate, and I call up the Senate bill instead of the House bill.

Mr. PAYNE. Is there any regulation of rates?

Mr. POWERS. Yes.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, a similar House bill (H. R. 13392) upon the House Calendar will lie on the table. There was no objection.

SUPPORT OF ENTRY AT SUPERIOR, WIS.

Mr. YOUNG. Mr. Speaker, I call up the bill (H. R. 19519) to establish a support of entry at Superior, Wis., with privileges of immediate transportation of dutiable merchandise without appraisement, and I ask unanimous consent that the same may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Michigan calls up a privileged bill and asks unanimous consent that it may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That Superior, in the State of Wisconsin, be, and the same is hereby, designated a support of entry in the customs collection district of Superior, and that the privileges of immediate transportation of dutiable merchandise without appraisement, as defined by the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said support.

With the following amendment:

Strike out all after the enacting clause and insert:

"That the privileges of the seventh section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the support of Superior, in the State of Wisconsin."

Amend the title to as to read: "A bill to extend the privileges of the seventh section of the act approved June 10, 1880, to the support of Superior, Wis."

The SPEAKER. The question is on the adoption of the committee amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection; and it was so ordered.

On motion of Mr. YOUNG, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.;

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 8428. An act to regulate the construction of dams across navigable waters; and

H. R. 14928. An act for the relief of F. V. Walker.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12323) to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. SMOOT, and Mr. McLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LONG, Mr. CLAPP, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. CLAPP, and Mr. DUBOIS as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry. Was it not agreed yesterday that to-day should be for the consideration of business reported from the Committee on War Claims?

The SPEAKER. If this motion were voted down, undoubtedly that would be the order under the rule.

Mr. SIMS. I suppose we might consent to some other day.

Mr. TAWNEY. Mr. Speaker, I understand from the gentleman from Pennsylvania [Mr. MAHON] that he is willing to allow us to go on with the consideration of the remainder of this bill. I do not think it will require two hours' time.

Mr. SIMS. I thought if it would take this day we could agree on another day.

Mr. TAWNEY. I do not anticipate it will occupy more than two hours' time.

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Minnesota asks unanimous consent that the Committee on War Claims have five legislative hours, a regular day, notwithstanding this cut in its time, I do not think there will be any objection to going right on with the sundry civil bill.

Mr. TAWNEY. Well, the gentleman from Pennsylvania, chairman of the Committee on War Claims, informs me that they can probably consider all the bills they want to consider to-day, after the consideration of this bill has been concluded.

Mr. MAHON. Mr. Speaker, I see the actual necessity of getting the sundry civil appropriation bill through the House. If it goes through in an hour or an hour and a half, I will ask for the balance of the time, and if not, I will ask unanimous consent to vacate the order and make a new order.

Mr. WILLIAMS. Well, Mr. Speaker, we have to do that by unanimous consent, and a similar objection would prevent the change of—

Mr. MAHON. All the House could do—the Senate could not pass any bill passed by this House from the Committee on War Claims at this session, and all we have to do is to get them through the House this session.

Mr. WILLIAMS. But we will not succeed in doing that unless the gentleman gets a full legislative day.

Mr. MAHON. The Committee on War Claims has given way four or five times already, and I know the House will be generous to us the next time.

Mr. WILLIAMS. Why not have this unanimous consent coupled with the other?

Mr. WATSON. What is unanimous consent asked for?

Mr. WILLIAMS. That the Committee on War Claims have five hours.

Mr. TAWNEY. Regular order!

The SPEAKER. The gentleman from Minnesota demands the regular order.

Mr. MAHON. It is understood, Mr. Speaker, that when this bill is finished we are to have the time.

The SPEAKER. The motion is that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

Mr. WILLIAMS. Mr. Speaker, pending that, if I can be recognized by the Chair, I will ask unanimous consent that upon the disposal of the sundry civil bill the Committee on War Claims be given five hours or so much thereof as is necessary for the consideration of bills reported by that committee.

Mr. TAWNEY. Mr. Speaker, in view of the fact the chairman of the Committee on War Claims has not submitted any request of that kind, I demand the regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order.

Mr. MAHON. Mr. Speaker, this is Saturday, and I do not believe this bill will be finished in two hours. I am informed the Committee on Pensions have no more work this session, and I ask unanimous consent to vacate the order made yesterday, and that next Friday be set aside for bills reported from the Committee on War Claims.

Mr. PAYNE. Be set aside—

Mr. MAHON. Under the rule.

Mr. PAYNE. The same as though it were yesterday?

Mr. MAHON. Yes.

Mr. PAYNE. I have no objection, but I am not willing to tie up the business of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL BILL.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state

of the Union for the further consideration of the sundry civil bill, Mr. WATSON in the chair.

The Clerk read as follows:

SEC. 2. Hereafter no requisition on the Public Printer by the official head of any Executive Department or bureau, or branch thereof, or independent office of the Government for printing a first edition of any public document or report under the provisions of the joint resolution "To prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents," approved March 30, 1906, shall be for a greater number of copies than 65 per cent of the whole number of copies of such public document or report now authorized to be printed or which may hereafter be authorized to be printed for any such Executive Department, bureau, or branch thereof, or independent office of the Government, and any additional edition of such public document or report that may be required shall only be printed on the requisition signed by the official head of such Department or independent office, and then only for such number as, when added to the number already required, shall not exceed the whole number authorized by law. All requisitions for printing editions of public documents or reports, additional to the 65 per cent of the whole number authorized by law, as provided for herein, shall be reported to Congress at the beginning of each regular session, together with the reasons for making said requisitions.

Mr. CHARLES B. LANDIS. Mr. Chairman, I desire to reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. TAWNEY. Mr. Chairman, the paragraph is certainly subject to the point of order, but I want to explain to the committee the reason for the recommendation of the Committee on Appropriations.

The joint resolutions passed this session, which were intended and believed would prevent the printing of more of the public documents authorized to be printed by the Department than were necessary, by having them printed in several editions, the committee is informed are not being observed in this respect. Now, this provision will enable the Department to print any document it has authority to print up to the maximum number. The Department can not print them all at once or can not print them part at one time and part the next time, except upon condition that the head of the Department gives specific authority therefor. In other words, some clerk or bureau chief can not go and order the full quota allowed by law regardless of whether the quota is needed or not. If there is more than 65 per cent of the quota required, the head of the Department will order the remainder to be printed, giving his reasons therefor. It is subject to a point of order, and, if the gentleman makes it, why, it will have to go out.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. CHARLES B. LANDIS. I insist on the point of order, and would like to say in this connection, Mr. Chairman, that the joint resolution of March 30, which the Printing Committee feel will take care of this provision, went into effect under the regulations formulated by the Joint Committee on Printing on the 18th of May.

Mr. SLAYDEN. I can not hear the statement. I am interested in this.

Mr. CHARLES B. LANDIS. I said I believed the joint resolution approved March 30 and made effective on the 18th of last month would take care of the question which is meant to be covered in this proposition. That gives the heads of all the Departments the right to print in more than one edition, as it gives the Congress the right to print in more than one edition. The joint resolution has been in force but a short time only, and some of the heads of the various Departments have not had time to adapt themselves to it. Some of them have. Some of the editions have already been limited. The President has issued an order in which he directs the heads of the Departments to avail themselves of the opportunities for economy afforded by the provisions of our joint resolution, and in addition to that the Joint Committee on Printing has issued, under the authority conferred upon it, regulations governing this general proposition, which will be heeded by the heads of the Departments we feel sure. I would say to the chairman of the Committee on Appropriations that a majority of the editions that are now printed by the heads of the Executive Departments are in editions of a thousand or under, some are monthly publications, some weekly, some even daily, and the placing of these publications under this sweeping provision would, in my judgment, result in a greater expense than is now necessitated. In other words, I believe that is a false notion of economy. The Joint Committee on Printing is giving this matter its best attention. It is receiving the hearty cooperation of the heads of Departments, and we feel confident that when the provisions of the joint resolution are recognized and the efficacy of them is appreciated, that the surplus publications of the Government will be reduced to an absolute minimum. And for that reason I shall insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 5. Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments, at Washington, District of Columbia, for each fiscal year; and after the fiscal year 1907 no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia.

Mr. TAWNEY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

Mr. SLAYDEN. Mr. Chairman, does the introduction of this amendment in any way affect the privilege of a Member to raise a point of order against the paragraph?

The CHAIRMAN. What is the question asked by the gentleman?

Mr. SLAYDEN. I want to know if the introduction of the amendment in any way affects the right of a Member to raise a point of order against the paragraph.

The CHAIRMAN. It can not be done after the amendment has been read.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the point of order against the paragraph comes too late.

The CHAIRMAN. The Chair thinks not. The Chair thinks the gentleman from Texas [Mr. SLAYDEN] was seeking recognition, according to his own statement, to make a point of order, and has simply raised the question as to whether or not the reading of the amendment would preclude him from making the point of order.

Mr. TAWNEY. We trust the gentleman will reserve his point of order until the committee can explain.

Mr. SLAYDEN. That, of course, I will do, Mr. Chairman, but I want to say to the chairman of the committee in perfect good faith that I was trying to secure recognition for that purpose, and I have absolute knowledge of the fact that another gentleman was also doing it.

The CHAIRMAN. The point of order must first be determined before the amendment is offered. If the paragraph goes out, there is nothing to amend.

Mr. TAWNEY. I will state, Mr. Chairman—

Mr. SLAYDEN. Mr. Chairman, I make the point of order, but I was willing to reserve it, if the reservation forfeits no right.

Mr. TAWNEY. It does not.

The CHAIRMAN. The gentleman can reserve it for debate, and he can reserve it to have the amendment read for the information of the committee; but he can not reserve it and have the amendment offered, because if the paragraph goes out, there is nothing to amend.

Mr. SLAYDEN. It can be reserved and the amendment read for information.

Mr. CHARLES B. LANDIS. I ask the gentleman from Texas to withdraw the point of order for this reason: The Committee on Printing has been attempting to, in some manner, segregate the various expenditures for printing in such a way as to get them together and arrive at some conclusion as to the amount of money actually spent for printing. Even the Treasury Department is unable to supply this information without an inexhaustible research and examination of miscellaneous vouchers. This provision will enable us to carry on our investigation, and if we are authorized by Congress, I feel sure that by the next session of Congress we will be able to present a report, and Congress can know at the end of each fiscal year every dollar of money that has been actually spent for printing.

Mr. SLAYDEN. I merely reserve the point of order to give the chairman an opportunity to make his statement and to have the amendment read for information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 167, at end of line 24, insert: "Provided, That nothing in this section shall apply to stamped envelopes and envelopes and articles of stationery other than letter heads and note heads printed in the course of manufacture."

Mr. TAWNEY. I trust I can have the attention of the gentleman from Texas. My colleague on the committee will make an explanation as to the necessity for this provision.

Mr. SMITH of Iowa. Mr. Chairman, I hope the gentleman from Texas will see that the good of the public service requires that this point of order should not be made. Of course the point of order is well taken, if insisted upon. This simply requires that each branch of the public service shall annually make its estimates of what amount is needed for printing, and

that no other fund appropriated for the use of that branch of the public service shall be used for paying printing expenses except the appropriation made upon that estimate. The object is to segregate the expense of public printing from every other expense of the Government, so that we may know just what this public printing is annually costing us. If a Department can unite an expense incident to the preparation of a publication of the Government with the cost of printing in a single item, then there is no practicable means by which we can tell what we are paying for this public printing. For instance, under an appropriation for a report of the Bureau of Animal Industry they can pay not only the cost of the compilation and the preparation of the material for that report for printing, but can pay out of the same item for the printing itself. Thus, manifestly, it becomes impossible, except by a search of books in each branch of the public service by expert accountants, to discover what the public printing has cost the American people. This certainly can do no harm. It requires each branch to estimate its printing separately from the preparation of the material for printing. It requires that when we have then made an appropriation for the printing that the printing shall be paid only out of that appropriation. It certainly tends to an orderly administration of the public business in appropriating money for this purpose to have no money spent for this purpose that is not appropriated for it.

Mr. LIVINGSTON. May I suggest to my colleague that there have been publications, unwarranted, unprovided for, and that were entirely, so far as I believe, useless, that have been sent down there under an order of a chief of bureau? Book after book has been published without authorization. They were sent down there by a chief of a bureau. We want to stop that kind of business; and this is for that purpose.

Mr. SMITH of Iowa. The suggestion of the gentleman from Georgia is eminently proper; and that being true, it seems to this committee that we can not intelligently appropriate for the public printing with public printing being paid for out of appropriations under other bills that were not avowedly for that purpose.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. MANN. The gentleman, of course, is aware of the fact that there has been more or less controversy about these items, or those sections of the bill which direct that the Department printing offices shall be transferred to the Printing Office.

Mr. SMITH of Iowa. That has nothing to do with this item.

Mr. MANN. I suppose this item does not affect that question in any way whatever?

Mr. SMITH of Iowa. Oh, no.

Mr. SLAYDEN. I did not catch the question of the gentleman from Illinois.

Mr. MANN. There has been some controversy as to these sections of the bill—

Mr. SLAYDEN. Four, 5, and 6?

Mr. MANN. Which relate to taking away from the Departments their printing offices. I understand this section does not in any way whatever affect that question.

Mr. SLAYDEN. I am under the impression that it does.

Mr. SMITH of Iowa. Oh, no.

Mr. MANN. This has no relation to that?

Mr. PERKINS. I can assure the gentleman that it has not.

Mr. MANN. I supposed the gentleman was under that impression. That was the reason I asked the gentleman from Iowa the question.

Mr. SMITH of Iowa. I assure the gentleman from Texas that there is absolutely no relation between section 3 and sections 4, 5, and 6. They are for different purposes, and do not in the slightest degree relate to the same subject-matter.

Mr. SLAYDEN. May I ask the gentleman a question—

Mr. SMITH of Iowa. Oh, certainly.

Mr. SLAYDEN. In connection with that particular statement?

Mr. SMITH of Iowa. Yes.

Mr. SLAYDEN. Having admitted that the point of order is well taken and that the legislation is obnoxious to the rule in two or three ways, do we now proceed merely to discuss the merits?

Mr. SMITH of Iowa. I am simply appealing to the gentleman not to make the point of order.

Mr. SLAYDEN. Well, as the gentleman's mind is fixed now, the point of order will be made. I confess to the gentleman that my particular interest in this item—but I do not want to trespass on the gentleman's time—

Mr. SMITH of Iowa. That is all right.

Mr. SLAYDEN. That my particular interest in this was

aroused by the fact that I think it affects in a disastrous way the printing necessarily done in the War Department, a branch of the Government with which I have a lot of business and some familiarity.

Mr. TAWNEY. Will the gentleman from Texas permit me to say just this: This paragraph now under consideration has no relation whatever to the branch printing offices, concerning which the gentleman just spoke. It relates solely and alone to the estimates for printing in all the Departments. It does not relate at all to the branch printing offices.

Mr. SMITH of Iowa. The branch printing offices are paid for out of the appropriation anyway for the public printing, and they will continue to be so paid for under this section.

Mr. PERKINS. If the gentleman will allow me, I am on the Printing Committee and rather familiar with this.

Mr. SMITH of Iowa. I want to say to the gentleman from Texas that this was submitted to the Committee on Printing.

Mr. CHARLES B. LANDIS. I suggest to the gentleman from Texas that the proposition in which he seems to be interested is covered in a succeeding paragraph.

Mr. SLAYDEN. Yes, Mr. Chairman, I am aware of the fact that it is covered in the three succeeding paragraphs.

Mr. SMITH of Iowa. Yes.

Mr. SLAYDEN. And I may as well be frank with the gentlemen, and put them on notice, and say now that it has been my intention to raise the point of order against those paragraphs. May I proceed in the gentleman's time for a moment?

Mr. SMITH of Iowa. Certainly.

Mr. SLAYDEN. Now, Mr. Chairman, I want to say that in my judgment I do not believe there is a Member of this House more anxious to see a reformation brought about in the matter of printing than I am. It is extravagant, it is foolish—

Mr. CHARLES B. LANDIS. I should like to ask the gentleman—

Mr. SLAYDEN. It unloads on every Member a lot of stuff that he does not want.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman, in that connection, if there has been unloaded on him during the last six weeks anything that he has not wanted?

Mr. SLAYDEN. Yes, Mr. Chairman, there has.

Mr. CHARLES B. LANDIS. What?

Mr. SLAYDEN. Yesterday morning I received by registered mail two expensively bound volumes of printed reports from the Committee on Pensions, telling why somebody in Maine or in Texas or in Iowa was entitled to an increased pension. I do not care for the stuff, and it ought not to be sent to me, and it ought not to be generally printed nor distributed, in my opinion.

Mr. SMITH of Iowa. I appeal to the gentleman from Texas that there is not a line in this paragraph that can by any possible consideration be held to relate to the branch printing offices. There are two things in this paragraph, first, that they shall make estimates of how much they need for printing, whether in the branch printing offices or in the Government Printing Office; second, that they shall not spend any money for printing except that which is directly appropriated for that purpose. Now, how can it possibly be suggested even that a provision containing those two things can close any branch printing office?

Mr. SLAYDEN. The section says:

SEC. 3. Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices.

Now, Mr. Chairman, every day, every hour, and every few minutes, in fact, printing is necessarily done in the branch office at the War Department—

Mr. SMITH of Iowa. Oh, do not let the gentleman be mistaken in thinking that the printing office of the War Department is a branch of the War Department. It is a branch of the Public Printing Office. Now, they are required to estimate how much their printing will cost for the next year in the War Department.

Mr. SLAYDEN. How can they estimate for orders, for example, issued from day to day, from hour to hour, from minute to minute?

Mr. SMITH of Iowa. How can we appropriate money if they can not estimate how much they are going to want? There is no requirement that the estimates shall be absolutely correct.

Mr. SLAYDEN. The gentleman knows that in what is known as the Tenth street office of the Record and Pension Office, there is a certain amount of printing paraphernalia belonging to the office which, if this bill passes, will be taken away from them. It is not a branch of the general printing

office. The type is set and the press is run by clerks of the Bureau, and it operates to make a great saving of public expenditure, because it obviates the necessity of writing out painfully and slowly by hand all the various histories of each individual member of a particular regiment in the making of index cards.

Mr. CHARLES B. LANDIS. I want to say to the gentleman that this proposition is covered in the succeeding paragraph, and I want to make a point of order against that myself. I want to ask the gentleman if he did not give an order for the binding of the books that were delivered to him, as he says, yesterday morning?

Mr. SLAYDEN. I do not think I did.

Mr. CHARLES B. LANDIS. The gentleman does not think he did, but he probably gave a blanket order for the binding of a large number of books, as other Members in this House give blanket orders.

Mr. SLAYDEN. I can not believe that I did. My secretary, jealous of my rights, may have attached my name to it; but never in my Congressional career have I wanted any such books as those.

Mr. MANN. Anybody can ascertain in a few moments by sending downstairs, because there is a record kept of the fact.

Mr. SLAYDEN. If I did do it, I withdraw the order. [Laughter.]

Mr. CHARLES B. LANDIS. I think the gentleman will find that he did give the order, and he must not launch complaints against the House for that.

Mr. SMITH of Iowa. Now, Mr. Chairman, we are wandering from the question. I hope this will be considered by the House. Here is a proposition that they shall estimate what they want for printing, and when they estimate it and get the money that they shall not spend money for printing that is appropriated for something else. My friend says that they can not to a nicety make the estimate. We can not provide money except on estimates, and the sole question under this clause is whether they shall be entitled to take money appropriated for other purposes and use it for printing, or whether it is better administration to have this money estimated, what they will need for the public printing for either branch, and let us give it to them, and let them spend it out of the appropriation for printing, and not spend money out of appropriations for something else, and so let us know how much we are putting into public printing.

Mr. SLAYDEN. I would like to ask the gentleman if he doesn't believe that section 3 will interfere with and, when taken in connection with subsequent sections, will take away from that little office on F street—

Mr. SMITH of Iowa. Why, if the subsequent sections stay in, possibly they would, although if the statement is strictly accurate that this institution at the old Record and Pension Office is no branch of the Public Printing Office, then I should say no.

Mr. SLAYDEN. No; I did not say that because that is a branch of the Public Printing Office. This, I specifically referred to a while ago, is not, but is specially provided for by the statutes.

Mr. SMITH of Iowa. Mr. Chairman, whether some subsequent section will do it or not has nothing to do with the point of order. This section would not have the slightest tendency to take away that office.

Mr. SLAYDEN. I want to refer the gentleman to the statutes. Volume 25 of the Statutes at Large, page 52, says:

Provided, That the printing press and the material formerly in use in the office of the Surgeon-General may be used by the Record and Pension division of that office to expedite as much as possible the work of the division, and for no other purpose.

Now, I want to ask the gentleman if he can assure me that he knows that the enactment of section 3 will not interfere with the privilege there stated?

Mr. SMITH of Iowa. It does not seem to me conceivable that it would interfere with that privilege. I can not find a word in this section that would have a tendency to interfere with it.

Mr. PERKINS. If the gentleman wants further assurance, I can assure him that it would not.

Mr. SLAYDEN. In volume 28 of the Statutes at Large is another provision, where it says:

Provided, That the terms of this act shall not apply to the office in the Weather Bureau or to so much of the printing as is necessary to expedite the work of the Record and Pension Division of the War Department, nor to the printing office now in operation in the Census Office; but the Public Printer, with the approval of the Joint Committee on Printing, may abolish any of these excepted offices whenever, in their judgment, the economy of the public service would be thereby advanced.

Mr. Chairman, I have no desire to and I do not raise a capricious opposition to any of this proposed legislation. I do not

mind having sections 3, 4, 5, and 6 passed, if the gentleman will except the War Department—

Mr. SMITH of Iowa. Mr. Chairman, it is impossible to except the War Department from this section, because it has nothing to do with these things that we are talking about.

Mr. TAWNEY. Mr. Chairman, I think the gentleman from Texas [Mr. SLAYDEN] is laboring under a misapprehension of the facts. To-day the different Departments are making estimates for printing in different appropriation bills, so that Congress is unable to know definitely how much we are in fact expending for public printing. The effect of this is to consolidate all of the estimates in one estimate. One Department that I know of carries \$200,000 this year for printing, independent of the allotment which they receive in this sundry civil appropriation bill. This allotment would indicate that that was all that Department had for public printing, when as a matter of fact, it has \$200,000 in another appropriation bill which nobody knew anything about except the members of the committee preparing that bill. This is for the purpose of consolidating their estimates, so that they must be confined and limited to the aggregate appropriation made upon their aggregate estimates, and I hope the gentleman will not insist upon the point of order. The next three paragraphs will be eliminated. They are subject to points of order. They are necessary, I believe, but nevertheless I know there are enough Members in the House who oppose them to know that they will go out. That will leave the War Department and all other Departments that have branch printing offices in exactly the same status that they are in to-day. It does not affect the operation of these branch printing offices in the least.

Mr. SLAYDEN. Then in a few words, what is the effect?

Mr. TAWNEY. In a few words, it is to consolidate the estimates for public printing in one estimate, so that we will know what the aggregate cost of our public printing is. That is all there is to it. It does not affect the War Department, and does not affect any Department.

Mr. PRINCE. Mr. Chairman, I hope my colleague on the Military Committee, the gentleman from Texas [Mr. SLAYDEN], will not insist on this point of order as against this section. I think all that he is seeking to get at follows in the other sections.

Mr. TAWNEY. Absolutely.

Mr. CHARLES B. LANDIS. There is no question about that.

Mr. PRINCE. I hope the gentleman will not insist on his point of order.

Mr. TAWNEY. This is a reform, and a very necessary one.

Mr. MANN. Mr. Chairman, I would like to be recognized for a moment. I was under the impression which the gentleman from Iowa [Mr. SMITH] has and the gentleman from Minnesota [Mr. TAWNEY] has with reference to this section, and I am inclined to think they are right, but I would like to ask for a little information. If I understand it, as a usual rule, the estimates for appropriations are made by Departments and not by subjects. Is that not correct?

Mr. SMITH of Iowa. They are made by Departments through the Secretary of the Treasury for subjects.

Mr. MANN. Of course they are transmitted through the Secretary of the Treasury, but they are first made by the Departments to the Secretary of the Treasury. The Secretary of the Treasury, as a matter of fact, is largely formal in transmitting them to Congress. The Secretary of the Treasury, as I understand it, does not segregate the estimates by subjects. He transmits them to Congress by Departments.

Mr. SMITH of Iowa. They are segregated when they come from the Secretary of the Treasury.

Mr. MANN. Does the gentleman mean to say that now, on the subject of printing, the Secretary of the Treasury segregates the various items for printing in the different Departments which are carried in the different departmental appropriation bills?

Mr. SMITH of Iowa. There are no appropriations for printing generally carried in the departmental appropriation bills, and so they do not come in that form.

Mr. MANN. Mr. Chairman, I will give the gentleman an illustration. Take, for instance, the Weather Bureau. That is not, as I understand it, under the control of the Public Printer.

Mr. SLAYDEN. It is a specially excepted Bureau.

Mr. MANN. The estimate for that is not put with the estimates for the public printing. It is put with the estimates for the Agricultural Department.

Mr. SMITH of Iowa. No; the Weather Bureau printing is paid out of this large appropriation for public printing.

Mr. TAWNEY. Allotted to the Agricultural Department.

Mr. SMITH of Iowa. We appropriate about six millions a year—this year less—for the Public Printer, and we apportion

how much of it each branch of the public service is entitled to use.

Mr. MANN. Is the gentleman sure about that?

Mr. SMITH of Iowa. Oh, yes; I know that is the practice. As to the item for the Weather Bureau, as I understand it, it is paid out of the allotment from the gross appropriation to the Agricultural Department. That, I think, is not true probably of the Record and Pension Office, which is now known as the Military Secretary's Office.

Mr. MANN. Well, now, I may be incorrect; I will not say incorrect, because I do not know, but I supposed that the printing in the Weather Bureau was made out of the appropriation made for the Agricultural Department.

Mr. TAWNEY. If the gentleman will permit me, I will read the paragraph in the appropriation bill:

For the Department of Agriculture, including \$25,000 for the Weather Bureau, \$185,000.

Mr. MANN. What bill is that in?

Mr. TAWNEY. In the sundry civil appropriation bill.

Mr. SMITH of Iowa. That is the allotment of—

Mr. MANN. Does that include all of the printing in the Weather Bureau, or is there another item carried in that—

Mr. TAWNEY. No; including \$25,000 for the Weather Bureau. Now, here is an item of \$200,000, carried in the agricultural appropriation bill for printing farmers' bulletins.

Mr. MANN. Well, I am not speaking of that.

Mr. TAWNEY. Well, that is the only item that is carried in the agricultural appropriation bill appropriating money for the printing in the Agricultural Department.

Mr. MANN. This section would transfer that item from the agricultural appropriation bill to the sundry civil bill in the form of an estimate—

Mr. TAWNEY. No; it does not follow.

Mr. MANN. It does not necessarily follow, but that is true.

Mr. TAWNEY. But in the estimates the aggregate that the Department thinks is necessary for the next fiscal year for printing would be together in the annual estimates. It would all come as being under the Agricultural Department. Now, that portion which comes under the head of the Public Printer, which is allotted to him now, of course comes under the item of public printing. Then an estimate of \$200,000 for this purpose, which comes from the Committee on Agriculture in addition to what is estimated for under the lump-sum appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask for unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The only difference, then, would be that now the estimate for the printing in the Agricultural Department is made under the head of the Agricultural Department in the estimates, whereas if this section goes into effect it will be made under the head of printing and binding and taken out of the heading of Agricultural Department.

Mr. TAWNEY. Yes; that is right.

Mr. SMITH of Iowa. Of course that does not govern the form of future bills.

Mr. MANN. I am talking about the way the estimate is transmitted, so as to put the item for printing in one place in the estimates without intending to affect in any way the jurisdiction of committees in the House or appropriation bills that would—

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that this will give the House some idea of how money is being spent for printing. The Printing Committee had trouble during the investigation last year in segregating the sums expended for printing which were carried in what might be called "miscellaneous" appropriations. For instance, an appropriation is made for certain work in Alaska, carrying with it printing and binding. Say it is a million dollars. So much would be spent for traveling expenses, so much would be spent for surveying, and they can spend \$800,000 for printing and binding.

Mr. MANN. Will the gentleman give me this information? The Librarian of Congress, I know, is publishing now what is known as "records" or "minutes" of the Continental Congress, or something of that sort. I introduced a resolution upon the subject the other day. Out of what appropriation bill is the Library of Congress now paying for that printing?

Mr. CHARLES B. LANDIS. I presume it is being paid out of their allotment for printing and binding.

Mr. MANN. Well, does the Library of Congress have authority to bind and print whatever it pleases?

Mr. CHARLES B. LANDIS. In so far as it does not exceed its allotment.

Mr. MANN. Without regard to having been authorized by anybody?

Mr. CHARLES B. LANDIS. They necessarily use their own discretion in the matter of printing and binding, within the limitations of their appropriation.

Mr. TAWNEY. If the gentleman will read the hearings on the legislative bill at this session of Congress, he will find that subject very thoroughly discussed.

Mr. MANN. He never will have the time.

Mr. TAWNEY. The committee took issue with the Librarian on that very question, and the Librarian submitted a brief on the question of his right to print under the general law, and to print that very document of which the gentleman speaks, out of the allotment "For printing and binding, Congressional Library."

Mr. MANN. Now, Mr. Chairman, if I could get the attention of my friend from Texas for a moment. I went over these sections myself very carefully, and proposed to make the point of order, if nobody else did, against all of them. I did not think that the Committee on Appropriations had had the opportunity to know in reference to all of these so-called "departmental printing offices," and I do not think they do know as to the necessity of most of them. But it does seem to me, I may say to the gentleman, that this section does not affect the question in any way whatever, except that it gives to the Members of Congress hereafter an opportunity of knowing exactly the sum which can be spent in the different departmental printing offices, and to say whether this Department or that Department shall maintain a private printing office or a departmental printing office. Now, I agree with the gentleman myself, that the Weather Bureau should have its printing office, and that the War Department or the Record and Pension division should have its printing office.

Mr. SLAYDEN. The Military Secretary's Office, because the Military Secretary succeeded to the duties of the Adjutant-General.

Mr. MANN. It is perfectly manifest, it seems to me, to any one who considers the subject. Some of those printing offices ought to be maintained, but ought to be maintained solely for certain work. The War Department departmental printing office ought not to be permitted to print those things which could just as well be printed next month as to-day. They ought to be confined to printing that class of work which is most convenient to print at the War Department building, instead of sending it to the Printing Office, such as orders, and things of that sort, and by this method we have some control over that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I move to close debate in five minutes. The gentleman from Indiana [Mr. LANDIS] wants a couple of minutes, and the gentleman from Texas [Mr. SLAYDEN] a couple of minutes.

Mr. MANN. You can not close debate while the point of order is pending.

Mr. SLAYDEN. I am willing to close, so far as I am concerned, in five minutes.

The CHAIRMAN. Of course, this discussion is proceeding by unanimous consent.

Mr. SLAYDEN. If I understood the gentleman from Illinois [Mr. MANN], he stated that he himself would make a point of order against the next three sections.

Mr. MANN. Yes, sir.

Mr. SLAYDEN. You are going to do that?

Mr. MANN. If nobody else does.

Mr. SLAYDEN. Then it is your opinion that this section—No. 3—does not affect hurtfully the particular interest of the Government which I was trying to take care of?

Mr. MANN. That is my judgment, after some investigation and thought, and if I did not believe it I would make a point of order myself.

Mr. SLAYDEN. I will withdraw the point of order as to section 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. CHARLES B. LANDIS. Mr. Chairman, I would like to have two minutes. I would like to call the attention of the committee to an abuse that has arisen in the House, my attention having been called to it by the gentleman from Texas [Mr. SLAYDEN], and that is the abuse which has been fallen into by many Members of the House in the matter of ordering bound copies of what is known as the "reserve." The law provides that each Member may have printed and bound, in the binding which he may select—which is a most elegant and expensive binding—copies of all documents and reports. If left to himself, there is not one Member of this House who would order

to exceed ten volumes of this reserve, which will amount at this session to about 125 volumes.

Mr. SLAYDEN. Ten particular publications.

Mr. CHARLES B. LANDIS. Now, under the system that prevails, blanks are sent to the Members of the House or to their secretaries—

Mr. TAWNEY. Let me interrupt the gentleman. Is it not a fact that there is a gentleman outside of the Government Printing Office whose business it is to distribute these blanks and secure the orders of as many Congressmen as possible in the interest of continuing in the employ the people down in the Government Printing Office who would not otherwise be employed?

Mr. CHARLES B. LANDIS. I understand that is true.

Mr. MANN. I wish to say to the gentleman that I have never had anybody since I have been in Washington to present a blank to me. I have not gotten one without going out into the document room for it.

Mr. CHARLES B. LANDIS. I think the gentleman is an exception to the rule. I will say that within the last three or four days—

Mr. MANN. I have not only not had an order, but I have not signed one this session.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that there are other Members of the House, and I would say in this connection that within the last forty-eight hours there have been a dozen Members of this House to me to make inquiries relative to this abuse. I want to say further that within the last twelve hours a gentleman came to me and told me that last year, without any knowledge on his part, in so far as having ordered the binding of these volumes is concerned, there were dumped in on him at his committee room over 100 volumes most beautifully and elegantly bound. He gave them to the porters and janitors about the hotel. They selected what they chose; the rest of them were scattered and sent to the dump. These volumes cost on an average from two to four dollars, when it comes to their printing and binding.

Mr. LITTLEFIELD. Apiece?

Mr. CHARLES B. LANDIS. Two to four dollars apiece. Each Member of this House who signs that blanket order deliberately puts an obligation upon the Government of from \$300 to \$500 of money that is absolutely thrown away. I will say that within the last few days there have been certain pages of the House circulating among Members with these blanket orders, soliciting their signatures. Now, the committee has had a number of these abuses under consideration. There are many more of them that require attention. This is one of them. This is an abuse to which we are going to give attention when we have time. It has been a great work. The appropriation bill that is now passing shows that the appropriations carried by the bill are \$1,080,000 lower than they were last year. That represents to a degree the work of the Commission appointed by this House and the Senate. We are going to ask that this work go on. If it does, we feel that we can show work that will be equally advantageous to the Government and economical at the same time. I want to warn this House against signing these blanket orders. If you gentlemen think you have not signed them, make inquiry at the proper place, and many of you will be astonished to learn that they have been signed for you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

SEC. 4. No money appropriated by this or any other act shall be used to maintain or operate any branch of the Government Printing Office or any other printing office or bindery in any Executive Department at Washington, D. C.

Mr. SMITH of Illinois. Mr. Chairman, I make the point of order against this section that it is a change of existing law and is new legislation.

The CHAIRMAN. Does the chairman of the committee desire to be heard?

Mr. TAWNEY. I do not; it is subject to the point of order. I intend to offer a substitute, which will affect all the branch printing offices. It will direct the Public Printer to make an investigation and inquiry and report to the next session of Congress. These three paragraphs are subject to the point of order.

The CHAIRMAN. Does the gentleman desire to offer a substitute now?

Mr. TAWNEY. Not until the paragraphs have been disposed of.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 5. All presses, type, printing material, binding tools and material, and other materials belonging to branch printing offices and branch binderies of the Government Printing Office shall, within thirty days after the approval of this act, be delivered to the Public Printer for use in the Government Printing Office, or, if the same can not be utilized therein, to be disposed of as other unserviceable material of said office is disposed of.

Mr. CHARLES B. LANDIS. I reserve the point of order upon that paragraph.

Mr. TAWNEY. Why not make it, and let it be disposed of?

Mr. CHARLES B. LANDIS. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes the point of order. Does the gentleman desire to say anything on it?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 6. Hereafter no money appropriated by this or any other act shall be used to establish or operate a branch or other printing office or bindery in any Executive Department at Washington, D. C.

Mr. CHARLES B. LANDIS. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I offer the following as a new section.

The Clerk read as follows:

SEC. 3. The Public Printer is hereby authorized and directed to make a full and complete examination of the several branch printing offices in the Executive Departments and report to Congress at its next session whether or not their continuance is necessary and of advantage to the Government and whether in the event of their discontinuance the work now done at these several branch printing offices could be as expeditiously and economically performed in the Government Printing Office, and also report to Congress at its next session the probable annual cost to the Government of maintaining these several branch printing offices and the amount invested in the machinery and appliances now used therein, and what the saving, if any, would be in the case of abolition of the branch printing offices or any of them.

Mr. MANN. I reserve the point of order.

Mr. CHARLES B. LANDIS. I reserve the point of order.

Mr. TAWNEY. Mr. Chairman, every committee of this House that has ever given any attention to or investigated the subject of branch printing offices reached the same conclusion that the Committee on Appropriations has arrived at in the consideration of the bill now before the committee. Now, there has been, and there is to-day, a great deal of unnecessary work done in these branch offices merely for the purpose of keeping the men employed in them at work. It is a useless expense. Many Members, perhaps, do not fully understand the relation of the branch printing office to the Department in which the branch is located. It is no part of the Department. It is a part of the Government Printing Office. The work that it is doing can be done as efficiently and expeditiously in the Government Printing Office as it can be done in the branch printing office. These branch printing offices are maintained solely for the convenience of the Department, and not because of any real necessity for their existence. We have the largest and best-equipped printing office in the world, a printing office that can do all of the printing for the Departments and Congress, but notwithstanding this fact we are maintaining nine branch printing offices in the Executive Departments of the Government. The Public Printer since he has come into that office has made some investigation, and it was after that investigation and upon his recommendation that this provision was put into the bill.

Mr. CHARLES B. LANDIS. Does the gentleman mean to say that the Public Printer recommended this legislation?

Mr. TAWNEY. Yes.

Mr. CHARLES B. LANDIS. I fail to read it in his testimony before the committee.

Mr. TAWNEY. Well, the gentleman has not read his testimony, then, because he has recommended it, and the only exception he makes is the branch printing office in the Congressional Library. Now, the only purpose of this is to direct him, before the meeting of the next session of this Congress, to make a thorough investigation into the necessity of continuing any of them or all of them, reporting as to what branch printing office could be continued advantageously and what offices should be discontinued; in other words, to give Congress full and complete information on the subject. All of these branch printing offices are directly under his jurisdiction. The men are on his pay roll, the property is under his control, and I think it is entirely proper that we should call upon him for information concerning the administration and the work of these several branch printing offices, and whether or not, in his judgment, that work could not be done more advantageously in the Government Printing Office. I can see no objection to this investigation.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman if he does not know that the Public Printer has authority now to abolish every one of these branch printing offices?

Mr. TAWNEY. Well, I question whether he has authority. He may have the technical authority in some instances—

Mr. CHARLES B. LANDIS. He has the authority to abolish every branch printing office, because he has jurisdiction over every one of them.

Mr. SLAYDEN. The law reads that way.

Mr. CHARLES B. LANDIS. He can take all persons now detailed to any of these branch printing offices and send them back to the Government Printing Office.

Mr. TAWNEY. The distinguished chairman of the Committee on Printing knows that even though he is absolutely convinced it ought to be done, and that he has the power to do it, it is impossible for the head of the Government Printing Office to do anything of that kind. It would be more difficult for him to do it than it would be even for Congress; and I doubt whether it will ever be done, no matter how flagrant the abuses may be. People in these branch printing offices will get Members of Congress to oppose it merely upon their request. I met a gentleman here at the door a few days ago, inquiring for a certain Member of this House. I said, "What do you want with him?" He said, "There is a provision carried in this bill now under consideration abolishing the branch printing office in which I am working, and I want him to raise a point of order against it." I said, "Why so? You will simply be transferred over to the Government Printing Office." He said, "Well, I know that, but if I go over there I will have more work to do than I have in the branch printing office, and that is the reason I don't want to go." Now, I did not know the man, and the man did not know me, but that illustrates the real objection to the breaking up of the branch printing office. The men could not loaf.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Minnesota that I am in hearty sympathy with the committee in its desire to legislate along the lines of economy—

Mr. TAWNEY. I realize that.

Mr. CHARLES B. LANDIS. And if I thought that in the long run this would result in economy and at the same time do justice on all hands, I would not offer an objection to the passage of this amendment. But I would say in this connection that after having gone into this question in a cursory way, not definitely or fully, but to a limited degree, I am satisfied that some of these branch printing offices possibly may be abolished. I am satisfied that all of them may be curtailed in the amount of work done in the offices. I am almost constrained to say, however, that I am satisfied there is certain work that, from the standpoint of Government interest and the standpoint of economy, should be done in the branch offices.

Mr. SLAYDEN. Mr. Chairman—

The CHAIRMAN. The time of the gentleman from Minnesota, in whose time this discussion has been proceeding, has expired.

Mr. SLAYDEN. Mr. Chairman, I should like in my own time to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Pardon me a moment. If the gentleman from Illinois is going to insist on his point of order, why of course this is clearly subject to a point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. TAWNEY. It is merely for the purpose of investigation and having a report to Congress.

Mr. SLAYDEN. There is no objection that I can see, except that I want to ask the chairman if he does not think that an investigation by a committee of Congress would bring more satisfactory information?

Mr. CHARLES B. LANDIS. I suggest to the gentleman from Minnesota that if this investigation is held, it should be held in such a way as to give a hearing to both sides.

Mr. TAWNEY. Certainly.

Mr. CHARLES B. LANDIS. Now, I doubt very much if under the provisions of this amendment the people in charge of this work—that is, the Treasury Department, the War Department, the Pension Bureau, and the State and Navy Departments—I doubt if they would be given as full a hearing and the result would in every way be as satisfactory as if the investigation were made in some other way.

Mr. SLAYDEN. Well, Mr. Chairman, this is all in my time, but I would like to have the privilege of interrogating the gentleman from Indiana. Does not the gentleman think this investigation would be more satisfactory if conducted by a special committee of the House or the Committee on Printing?

Mr. CHARLES B. LANDIS. I feel that the investigation would be more satisfactory and results more practicable would be arrived at if the investigation were made in the same way that it was made last year on the other reforms. I feel that it

would be more satisfactory if it were made in such a way as would bring about the definite results that were brought about in the last investigation.

Mr. TAWNEY. If it is the purpose of the Committee on Printing to make an investigation, would the gentleman have any objection to my changing the form of my amendment so as to require the Committee on Printing to make this investigation in connection with the Public Printer? My idea was in putting this responsibility on the Public Printer, and my reason for doing it, was the fact that I know this commission of which the gentleman is a member will expire, and the Public Printer has jurisdiction of these branches and is more familiar with their work than anybody else.

Mr. CHARLES B. LANDIS. I will say to the gentleman that the members of this commission will go on with this work if authority is given.

Mr. TAWNEY. Has the gentleman any objection to my changing my amendment so as to include that?

Mr. CHARLES B. LANDIS. None whatever. I will say to the gentleman that I have an amendment here that I had intended to offer at the proper time, and if the gentleman will accept it as a substitute I will offer it now.

Mr. TAWNEY. Will the gentleman send it to the desk and have it read for information?

Mr. CHARLES B. LANDIS. Mr. Chairman, I send the following substitute to the desk.

The CHAIRMAN. Before the substitute can be offered the point of order must be disposed of.

Mr. TAWNEY. Let the substitute be read for information.

The CHAIRMAN. It will be read for information.

The Clerk read as follows:

Insert after line 4, page 169, as follows:

"Sec. 3. The authority vested in the Joint Commission to examine into the general subject of the public printing and binding of Congress and the various Executive Departments, authorized and appointed under the provisions of the act making appropriations to supply deficiencies, approved March 3, 1905, shall be continued in force during the term of the Fifty-ninth Congress, and the said commission is hereby directed to continue its investigations and report to Congress at its next session."

The CHAIRMAN. The only question before the House is the reservation of the point of order by the gentleman from Illinois. Does the gentleman make the point of order?

Mr. MANN. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Sec. 7. So much of the joint resolution authorizing the reprinting of certain documents to be sold by the superintendent of documents, approved March 28, 1904, as authorizes the Superintendent of Documents to order reprinted from time to time such public documents as may be required for sale, and the use of moneys received from the sale of public documents to reimburse the appropriation for printing and binding the cost of such reprinting, is hereby repealed.

Mr. CHARLES B. LANDIS. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will only say a word in explanation of the recommendation of the committee.

Mr. MANN. I wish to make a point of order in the end, anyhow.

Mr. TAWNEY. The justification for the recommendation of the committee is that it appeared that the authority which the superintendent of documents now has is being grossly abused. He is exercising a privilege which no other governmental official possesses, the power of reprinting any edition of any public document he chooses, and he has done it.

Mr. MANN. What becomes of the volumes?

Mr. TAWNEY. He has the right to retain the proceeds of the sale of public documents in his possession for thirty days, and a scandal has grown out of that. As a result of that authority there has been an alleged defalcation, resulting in his dismissal, and this provision of law would make him deposit the proceeds every day with the Public Printer, instead of allowing him to keep them thirty days.

Mr. MANN. If the gentleman will pardon me, I understand the law is now for the superintendent of documents to reprint a document where it is for sale. I do not see anything here about twenty-four hours or thirty days.

Mr. PERKINS. That is in the next paragraph.

Mr. CHARLES B. LANDIS. While the law provides that the settlement shall be made at the end of every month, it is the practice now to make the settlement every week.

Mr. TAWNEY. That provision is a part of section 11.

Mr. MANN. Yes; but we are taking this up by paragraphs. I made the point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.
The Clerk read as follows:

Hereafter all moneys received by the superintendent of documents from the sale of documents shall be returned to the Public Printer at the close of business each day and be by him covered into the Treasury.

Mr. CHARLES B. LANDIS. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, before proceeding, I did not intend to make the point of order on the proposed amendment of the gentleman from Indiana when it was offered, but it was read from the desk simply for information in lieu of the paragraph offered by the gentleman from Minnesota, upon which a point of order was made.

The CHAIRMAN. The Chair did not understand the gentleman. The gentleman offered it as an amendment to the paragraph; the paragraph having gone out on a point of order, there was nothing to amend.

Mr. MANN. I understand the position of the Chair, and I wish the gentleman from Indiana would offer it now.

Mr. TAWNEY. He can get it through as a joint resolution.

Mr. MANN. He can; but he can also have it put in here.

Mr. CHARLES B. LANDIS. I would like to inquire of the Chair if paragraph 7 has been disposed of?

The CHAIRMAN. Yes; both paragraphs of section 7 have been disposed of.

Mr. CHARLES B. LANDIS. I would offer now the amendment which was read for the information of the House.

The CHAIRMAN. The gentleman from Indiana offers an amendment in the nature of a new section.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order to that.

Mr. CHARLES B. LANDIS. Mr. Chairman, I would say that if the gentleman from Minnesota is going to object to that amendment, I shall not offer it, because I am not seeking this additional work. I withdraw the amendment.

Mr. TAWNEY. Mr. Chairman, if the gentleman will so modify his amendment continuing the life of this Commission so as to expressly provide that this Commission shall investigate this subject of branch printing offices, as I endeavored to direct the Public Printer to do, I shall withdraw the point of order.

Mr. CHARLES B. LANDIS. Mr. Chairman, I will accept the suggestion of the gentleman.

The CHAIRMAN. Will the gentleman kindly embody it in his amendment, so that the Clerk can get at it?

Mr. CHARLES B. LANDIS. I will; and offer it as an amendment, as an additional paragraph.

The CHAIRMAN. The Chair would state to the gentleman that it better be offered now as a new paragraph, because it might not be germane later.

Mr. CHARLES B. LANDIS. I would ask that the paragraph be passed without prejudice.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may be permitted to perfect his amendment, and that when perfected we may return to this place in the bill, and go on in the meantime.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return later to this portion of the bill for the purpose of the gentleman from Indiana offering an additional section. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 8. So much of chapter 187 of the laws of 1895 (28 Stat., p. 843, at page 848) relative to the employment of counsel to protect the interests of the Treasury Department in cases before the Board of General Appraisers is hereby amended so as to read as follows:

"The Attorney-General shall, at the request of the Secretary of the Treasury, appoint a solicitor of customs and such assistants as the Secretary may deem necessary, to protect the interests of the Treasury Department in all cases and matters before the Board of General Appraisers; and said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in the circuit courts and circuit courts of appeals of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases, in conjunction with the United States attorneys, as such solicitor or his assistants may deem advisable.

"The salary of said solicitor shall be \$5,000 per annum, and of said assistants not to exceed \$3,000 each per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs."

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out line 12 and following lines on page 169 and first five lines on page 170 and insert in lieu thereof the following:

"That the Attorney-General shall, at the request of the Secretary of the Treasury, appoint a solicitor of customs and such assistants, not to exceed three, as the Secretary may deem necessary to protect the interests of the United States in all cases and matters before the Board of General Appraisers; and the said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in courts of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases as the Attorney-General may deem advisable.

"That the salary of said solicitor shall be \$5,000 per annum, and of said assistants not to exceed \$3,000 per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs.

"That said solicitor and assistants shall be appointed without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof."

Mr. PAYNE. Mr. Chairman, I wish to say that this amendment is simply a bill of the House passed unanimously within the last ten days. It is something that is recommended very urgently by the Treasury Department and also by the Board of General Appraisers of the city of New York.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question. Who has been performing these duties heretofore?

Mr. PAYNE. There has been heretofore an assistant appointed by the Attorney-General, who performed part of the duties. He appears before the General Appraisers in customs cases there. I think he is appointed by the Secretary on the nomination of the Attorney-General. He appears simply before the Board of Appraisers, and he can not go into the courts and can not represent the United States when cases are there on appeal. This allows him to go into the courts, and being familiar with the cases of course he can try them there, and he will have knowledge of them. They now come under the jurisdiction of the assistant district attorney, who knows nothing of the cases and of the facts that have been previously developed.

Mr. BUTLER of Pennsylvania. This amendment will permit him to pursue the remedy which he began?

Mr. PAYNE. Yes.

Mr. TAWNEY. Mr. Chairman, just a word. This provision, which is offered as a substitute for that carried in the bill, is almost identical with the bill which the Ways and Means Committee reported, and is inserted here at the request of the Secretary of the Treasury. The Committee on Ways and Means wanting to make some change, we are perfectly willing to accept their views.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 12. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1907, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. PARKER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PARKER. Mr. Chairman, I rise to move to strike out, in lines 7 and 8, section 12, the words:

* And all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. TAWNEY. Mr. Chairman, I will ask the gentleman from New Jersey to withhold his motion until I offer a new section at the end of the bill.

Mr. PARKER. That is perfectly agreeable.

The CHAIRMAN. The gentleman from New Jersey withholds his motion. The gentleman from Minnesota offers an amendment, which the clerk will report.

The Clerk read as follows:

On page 173, after line 8, insert:

"SEC. 13. No act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law unless such act shall in specific terms declare an appropriation to be made or that a contract may be executed."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. LITTLEFIELD. I would like to inquire of the gentle-

man why he has made it apply to legislation hereafter? Why not apply it to all legislation?

Mr. TAWNEY. Well, I do not suppose we could affect legislation heretofore enacted.

Mr. LITTLEFIELD. Certainly you can affect legislation heretofore enacted. You may not affect legislation hereafter enacted and—

Mr. TAWNEY. I have no objection at all to making it apply to all previous enacted laws.

Mr. LITTLEFIELD. Of course in legislation hereafter enacted the last expression governs.

Mr. TAWNEY. The purpose of this—

Mr. OVERSTREET. If the gentleman will permit me—

Mr. LITTLEFIELD. I think the proposition is right.

Mr. OVERSTREET. I was just going to suggest that I think the language in the bill is better than the language intimated by the gentleman from Maine. If the word "hereafter" were not included in this provision it would apply exclusively to one year to this particular bill. By expressing it "hereafter" it makes it permanent law.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. MANN. I reserve the point of order. Mr. Chairman, I can not agree with the lawfulness of the proposition laid down by my friend from Indiana. I do not think "hereafter" has anything to do with the permanency of law enacted by Congress. It depends upon what it means. I would like to ask the gentleman from Minnesota whether it is intended by this proposition, by the word "hereafter," to confine this to legislation enacted hereafter?

Mr. TAWNEY. Yes; or—

Mr. MANN. Or to simply state hereafter as a matter of time. It seems to me that as the amendment reads, it provides that no contract can be entered into—

Mr. TAWNEY. Unless expressly authorized.

Mr. MANN. Unless expressly authorized, so that the word "hereafter" cuts no figure in the case whatever.

Mr. KEIFER. It prevents its affecting contracts that have already been made by him.

Mr. MANN. There are no contracts made heretofore.

Mr. KEIFER. I suppose there were under last year's appropriations.

Mr. MANN. This question arose on a point of order which I made the other day. Now, I have no objection, as far as I am concerned, to absolutely stating no contract shall be entered by an official of the Government unless it is authorized expressly or unless appropriation is made to cover it, but if that is done in this case, we must recur to the paragraph of the bill where the authority was stricken out. If the gentleman will ask unanimous consent to recur to that paragraph and insert that part that was stricken out on my point of order, I am perfectly willing then to let his go in with that understanding.

Mr. TAWNEY. I certainly will be willing to do that, because we want the Secretary of the Treasury to go on and make contracts.

Mr. MANN. I want that done first; somebody else may object to it. I think the section to which the gentleman offered an amendment preventing the Secretary of the Treasury from entering into a contract, which he now has authority to do—

Mr. TAWNEY. I will ask, Mr. Chairman, that the Clerk report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. That is perfectly satisfactory, and I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The gentleman from New Jersey has moved an amendment, to strike out the last two lines.

Mr. PARKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] desires first to be heard, and I will yield to him.

Mr. TAWNEY. I would suggest to the gentleman from Indiana [Mr. CHARLES B. LANDIS] to withhold his request to return until after the gentleman from New Jersey has concluded.

Mr. CHARLES B. LANDIS. I understand the gentleman from New Jersey desires to make a speech.

Mr. PARKER. I desire to occupy about five minutes. Will the gentleman from Indiana now proceed?

Mr. TAWNEY. I would say, Mr. Chairman, that the Chair has not yet put the motion on the amendment which I offered.

The CHAIRMAN. That is quite true. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

Mr. CHARLES B. LANDIS. Mr. Chairman, I ask unanimous consent that we may return to section 7, as per agreement, and I offer the following amendment.

The CHAIRMAN. Unanimous consent has been granted. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 4, page 169, as follows:

"SEC. 3. The authority vested in the Joint Commission to examine into the general subject of the public printing and binding of Congress and the various Executive Departments, authorized and appointed under the provisions of the act making appropriations to supply deficiencies, approved March 3, 1905, shall be continued in force during the term of the Fifty-ninth Congress, and the said Commission is hereby directed to continue its investigations and report to Congress at its next session. And the said Commission is hereby directed to inquire into the necessity for the continuance of the various branch printing offices and printing offices maintained in the various Executive Departments, bureaus, or independent offices of the Government, and to report what economies, if any, would be effected in the abolition of these printing offices or branch printing offices and the execution of the work now performed therein in the Government Printing Office."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Indiana—

Mr. MAHON. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves the point of order.

Mr. MANN. What does this Commission consist of?

Mr. CHARLES B. LANDIS. This Commission consists of three members of the Senate and three Members of the House.

Mr. MANN. When it works, is not there some expense connected somewhere with the work?

Mr. CHARLES B. LANDIS. There have been the actual expenses of the members of the Commission.

Mr. MANN. There is no provision here in this amendment for paying them. Is it covered by something else?

Mr. CHARLES B. LANDIS. There is in the original act passed last year.

Mr. MANN. Will this continuation of the Commission carry with it the authority to expend the money?

Mr. CHARLES B. LANDIS. It would.

Mr. MANN. Well, it is the gentleman's lookout. I doubt it. The CHAIRMAN. Does the gentleman from Pennsylvania

[Mr. MAHON] insist on his point of order?

Mr. MAHON. No. I did not understand it. I have no objection.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 86, where I desire to offer an amendment, after line 23.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 86 and offer an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 86, after line 23, insert as a new paragraph the following: "For reconstruction of bridge and viaduct between the city of Rock Island and Rock Island Arsenal, Ill., \$125,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. I think, in view of the large amount asked for, there ought to be a statement made as to the necessity for the appropriation. It is due, I think, to the committee to know that the War Department has been advised within the last few days that the bridge at Rock Island is in such condition that it has become necessary for the Department to condemn it and close it against all heavy traffic, and this amendment is very essential, because it is a bridge that connects the Rock Island Arsenal and the Illinois shore, and it is a Government bridge. That is the reason for this request.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I have one other amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 23, in line 2, after the word "office," insert: "Provided, That no other part of the sum appropriated in this paragraph for the Interstate Commerce Commission shall be expended for printing."

The CHAIRMAN. The gentleman must first obtain unanimous consent to return to that page and section.

Mr. TAWNEY. I ask unanimous consent. It is very necessary, in view of the allotment that has been made by the Printing Committee and accepted by the Committee on Appropriations. This amendment is absolutely necessary.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to page 23 and offer an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk having reported the amendment, the question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. MANN. Mr. Chairman, I would like to have the amendment reported again.

The CHAIRMAN. Without objection, it will again be reported by the Clerk.

The Clerk reread the amendment.

Mr. MANN. I reserve the point of order.

Mr. TAWNEY. I can explain to the gentleman from Illinois. The Commission have heretofore had \$15,000 for printing outside of Washington. Now, of the allotment that has been made for the purposes of the Interstate Commerce Commission, in that amount is included the amount which has heretofore been appropriated for separately. The Committee on Printing made this recommendation to the Committee on Appropriations, and we accepted it, for the reason that if this was not done, then they get \$15,000 in addition to the allotment.

Mr. MANN. I have no desire to interfere with any reform of my distinguished friend from Minnesota; and I have no doubt very likely this is correct; but the law imposes on the Interstate Commerce Commission the duty of having certain printing done. If they do not do that printing, they fail to obey the law. Now, I do not know whether you have provided them with enough money in this appropriation. I want to be satisfied on that point. I want the printing done.

Mr. TAWNEY. I will say the allotment made to that Department is all they have asked for. Heretofore their printing has been paid—the printing here in the city—out of the general appropriation of that Department for that Bureau.

Mr. MANN. What is the use of the item in the bill at all, then?

Mr. TAWNEY. Why, we have now allotted to them out of the general appropriation for printing just the amount they say they will need, including the \$15,000 heretofore expended outside of the District of Columbia.

Mr. MANN. Well, Mr. Chairman, though I regret I do not understand it, I will take the gentleman's statement that they give enough money for this. That is all I am looking out for.

Mr. TAWNEY. We give them all they asked, and if they have not enough it is their fault.

Mr. MANN. They ought to be satisfied with that; I have never found them fail to ask.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Chair desires to inform the gentleman from Minnesota and the gentleman from Illinois that there is still an item pending with reference to an appropriation for paving around the post-office at Chicago.

Mr. BARTLETT. Mr. Chairman, there are various items pending upon the same proposition.

The CHAIRMAN. The gentleman from New Jersey has been recognized.

Mr. TAWNEY. Mr. Chairman—

Mr. PARKER. The "gentleman from New Jersey" is quite willing to yield the floor for the present.

Mr. BARTLETT. Mr. Chairman, I desire to call the attention of the chairman of the committee to the provision on page 16 which was passed over. There was considerable controversy between the gentleman from Illinois and the gentleman from Minnesota, the chairman of the committee, as to this item: "Toward the construction of a steam vessel especially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation." The gentleman from Illinois made the point of order to line 19 to 22, inclusive, and the gentleman from Minnesota and the gentleman from Illinois were to arrive at some conclusion about the matter, and it was then passed over without prejudice.

Mr. TAWNEY. That is a fact; I recollect it now.

The CHAIRMAN. The Chair understands that went out on a point of order. The Chair is informed that it went out of the bill on a point of order.

Mr. BARTLETT. The RECORD shows that it was passed without prejudice. The gentleman from Illinois and the gentleman from Minnesota said they would agree to return to it. It was passed over so that they could see if they could agree about the matter. I think the gentleman from Illinois will agree with me about that statement.

The CHAIRMAN. The Chair recollects the proposition was made to pass it over without prejudice, but objection was made. The Chair feels sure he sustained the point of order to that section.

Mr. SMITH of Iowa. That certainly is a mistake as to the RECORD. That is not the record. The Chair had distinctly intimated the intention to sustain the point of order to that part of the section, but on a second suggestion it was passed over without prejudice.

The CHAIRMAN. That is directly contrary to the recollection of the Chair. The Chair very distinctly recollects it.

Mr. MANN. The Chair sustained the point of order.

Mr. KEIFER. It was reserved to go back. It was first sustained and then passed.

The CHAIRMAN. The gentleman from Iowa is confusing this with the paving around the post-office.

Mr. SMITH of Iowa. Not at all.

The CHAIRMAN. The Chair remembers very distinctly sustaining the point of order, and discussing it afterwards with the members of the Committee on Appropriations.

Mr. BARTLETT. The Chair sustained the point of order as to the paragraph printed in the bill, whereupon I offered an amendment changing the amount from \$100,000 to \$250,000, and at the suggestion of the gentleman from Minnesota it was passed over without prejudice. The chairman of the committee stated, and the gentleman from Illinois [Mr. MANN] agreed to the statement, that when he returned to it they would make an arrangement or come to some understanding subsequently about the matter.

Mr. TAWNEY. Mr. Chairman, I think the committee would save time by returning to this paragraph and discussing just what the status of it is.

Mr. MANN. If the Chair will pardon me, I think I can clear the mind of the Chair on this question. The point of order was made to the proviso, and the point of order was sustained by the Chair. Thereupon the gentleman from Georgia [Mr. BARTLETT] moved to increase the amount—

Mr. BARTLETT. That is it.

Mr. MANN. From one hundred to two hundred and fifty thousand dollars, and at the request of the gentleman from Minnesota the amendment was passed over, so that we might ascertain whether it was necessary to increase the amount in order that any contract might be entered into at all.

Mr. BARTLETT. I have just stated that to be the position.

Mr. MANN. I did not understand the statement of the gentleman.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to the paragraph on page 16, for the purpose of perfecting it. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the paragraph and amendment.

Mr. TAWNEY. I understand, Mr. Chairman, that an amendment increasing the amount from \$100,000 to \$250,000 is pending.

Mr. BARTLETT. Yes; I offered it.

Mr. TAWNEY. I asked that that amendment go over until there could be some further investigation as to whether it was necessary to do that in order that a contract for the full limit of cost might be entered into.

Mr. MANN. Now, Mr. Chairman, if I may be permitted to engage the attention of the gentleman from Georgia—

Mr. BARTLETT. I will listen.

Mr. MANN. It is unnecessary to increase the amount of the appropriation. The \$100,000 is all that can be expended in the ensuing fiscal year, and I have here a letter from the Comptroller of the Treasury, which letter I ask to insert in the RECORD, stating that under the act authorizing the construction of an ocean-going tug the Department can enter into a contract for the full amount of \$250,000 whether there be any appropriation made this year or not.

The CHAIRMAN. The Clerk will read the letter.

Mr. MANN. I just ask to have it inserted in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert the opinion of the Comptroller of the Treasury in the Record. Is there objection?

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, June 8, 1906.

Hon. JAMES R. MANN,
Representative in Congress.

SIR: You submit for my consideration public bill No. 159, as follows:

"An act to provide for the removal of derelicts and other floating dangers to navigation.

"Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed \$250,000, a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

"Approved May 12, 1906."

In response to your verbal request for my opinion as to whether the above-quoted bill carries with it authority for the Secretary of the Treasury to have constructed by contract or otherwise the vessel provided for therein, in the absence of a specific appropriation for the same, I have to say that I have no doubt whatever that under that act the Secretary has ample authority to enter into contract or otherwise to have the vessel constructed.

Respectfully,

R. J. TRACEWELL, Comptroller.

Mr. TAWNEY. Now, I ask that the amendment be withdrawn.

Mr. BARTLETT. I offered the amendment, as I stated at the time, as a matter of precaution and safety, recognizing that this was a most important provision for the commerce on the Atlantic coast. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MANN] differed so radically about the meaning of the section that when the point of order was sustained I offered the amendment. But now that the information has been obtained, and with the statement from the Comptroller of the Treasury, I withdraw the amendment.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent now to return to page 56, to offer a pro forma amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 56 for the purpose of offering a pro forma amendment. Is there objection?

There was no objection.

The Clerk read as follows:

On page 56, in line 4, after the word "cook," insert "at \$600."

The amendment was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, we will return to the item of the Chicago paving.

Mr. MANN. Mr. Chairman, I offer as a substitute for the amendment which I proposed the other day the amendment which is at the Clerk's desk.

The CHAIRMAN. The Chair has the amendment, but the page where it is to be inserted is not stated.

Mr. OLMSTED. Where does it go in?

Mr. MANN. On page 3, at the end of line 4, as an amendment to that paragraph.

The Clerk read as follows:

Amend on page 3, after line 4, by inserting the following:

"For repair of paving laid by and for the United States adjacent to the said building, \$15,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against this amendment that it is not authorized by existing law.

The CHAIRMAN. The Chair will state that, inasmuch as the gentleman from Illinois had a previous amendment pending, unanimous consent is necessary to withdraw that and offer this. Is there objection?

There was no objection.

Mr. SMITH of Iowa. I make the point of order that this is not authorized by existing law.

The CHAIRMAN. The gentleman from Iowa makes the point of order. Does the gentleman desire to be heard?

Mr. SMITH of Iowa. Mr. Chairman, the laws of Illinois provide that where land is platted a record of the plat shall operate to vest in the municipality in trust for the public the fee-simple title to the streets and other public places. Upon the assumption that the land in the vicinity of the Chicago post-office was platted by some one, the fee-simple title to the streets surrounding the post-office is in the city of Chicago in trust for public use. The act of the legislature of Illinois which has been called to the attention of the Chair vacates the streets and

alleys crossing the Government grounds. One of these streets, as I understand it, was that street which extends from east to west opposite the center of this building and immediately north of the Great Northern and Majestic hotels. One of the alleys referred to, as I understand it, was the alley that runs in the rear of the Monadnock Block. The vacation in question had nothing whatever to do with the streets around the outside of the Government property in the city of Chicago. While it is true that an appropriation is in order to carry on an existing work, or to repair a work of the Government, it would scarcely be contended by the gentleman from Illinois that if the Government should erect a building on a certain site and then convey the building and grounds, the fact that the Government had erected that building would make it in order on this bill to carry an appropriation for the repair of that building which had been constructed by the Government but to which the Government no longer had any title.

If then the Government of the United States, in the streets in the city of Chicago, the fee simple title to which was in the city of Chicago in trust for the public, put down any paving, the Government of the United States instantly ceased to have any title whatever to that paving. The instant that paving was attached to the real estate it became the property of the city of Chicago in trust for the people of Chicago, because it became a part of the real estate, and it is no more in order to move to add to this bill an appropriation for the repair or replacing of that pavement, which belongs to the city of Chicago, than it would be in order to put upon this bill an appropriation for the repair of a building or structure which had once belonged to the United States and which had subsequently been sold and conveyed by the United States.

The Government of the United States can not prevent the city of Chicago from taking up and carting away this pavement in the streets. Everywhere where the cost of paving has been assessed wholly against the adjacent property owners the city owns the pavement and can remove it at its pleasure, and he who adds to the real estate of another can not prevent the other from removing the improvement at his pleasure.

When the United States spent its money paving the streets, the title to which was vested in the city of Chicago in trust for the public, the pavement became the paving of the city of Chicago, and not the pavement of the Government of the United States.

Mr. Chairman, this is an important question, because substantially everywhere in the United States where public buildings exist pavements have been laid about those buildings. Scarcely anywhere have we a public building in a place that does not require paving in the streets about it. All the cities in the United States have been compelled for years to pay for this paving. It is indeed an important thing, if true as claimed, that because the people of the United States donated to Chicago the pavements around the public buildings when we refused to donate pavement to anybody else we have suddenly become liable for the continuance and maintenance of that pavement in a state of repair, and yet that is the effect of the contention of the gentleman from Illinois. I submit that the title to this pavement having passed from the Government of the United States it is no longer in order to move to appropriate money in this bill for the repair or replacing of that pavement, as it might be if the title had remained in the Government of the United States.

Mr. BARTLETT. Mr. Chairman, I have an amendment of my own pending on page 4, which was passed without prejudice. I think the gentleman from Iowa has misconstrued the law upon which it is sought to make the adjoining property owner liable for pay. It is not on the idea that the adjoining property owner has any right or title to the streets or any title to the pavement in the streets. The law for the pavement of the streets of the city where I live, Macon, by the authorities of the city requires that the pavement shall be paid for in this way: One-third of it shall be paid for by the city and the other two-thirds by the property owners, one-third on each side of the street. It so happens that the Government of the United States owns a lot and building of 200 feet or more on which it pays.

The property owners on the side opposite to the Government building have paid one-third of this paving. The amendment which I offered provides that the United States Government shall pay the third of the pavement like other property owners. This matter has been presented by myself to the Treasury Department. I have submitted it to the Supervising Architect of the Treasury. He declined to pay it as a matter of course, because he did not feel that he was authorized by law to pay

it and had no funds provided for paying such claims. I offered the amendment when this item in this bill was read, and it is now pending. The amount I desire to correct from \$2,000 to \$1,078.76. I did not at the time have before me the exact amount and merely placed the figure from memory, but have from the mayor of Macon the exact figures. I ask unanimous consent to amend my amendment by striking out the words "two thousand" and inserting in lieu thereof the words "one thousand and seventy-eight dollars and seventy-six cents," and that the amendment be considered as pending in that shape.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment as suggested. Is there objection?

There was no objection.

The CHAIRMAN. I would like to ask the gentleman from Georgia a question. Is the proposition of the gentleman from Georgia an original proposition, a proposition originally to pave, or is it to repair a pavement already constructed by the United States?

Mr. BARTLETT. To pay for one-third of the pavement in front of the property of the United States. In other words, to have the United States Government pay its proportion of the cost of the pavement in front of and adjacent to the property owned by the United States.

The CHAIRMAN. Has the United States already paved any part of it?

Mr. BARTLETT. Not a particle.

The CHAIRMAN. Then this is an original proposition?

Mr. BARTLETT. Yes.

The CHAIRMAN. Not a proposition to repave there?

Mr. BARTLETT. No, sir. This is an original proposition. The pavement does not need any repair, having been made some two or three years ago by the city in pursuance to the laws of the State of Georgia. The whole proposition is to ask that this amount of money, \$1,078.76, be appropriated on this item to pay the proportion that the United States property owes for paving the streets adjacent to and in front of that property. There is nothing with reference to the repair of the pavement. The United States Government never has paid anything for the pavement. I know that to be the fact, because I have the papers and submitted them to the supervising architect of the Treasury, and I have a statement from the mayor of the city in my hand which gives the amount and the facts upon which this appropriation is asked.

Mr. MANN. Mr. Chairman, the amendment which I propose is an amendment to the paragraph providing that "the appropriation made in the urgent deficiency bill approved February 27, 1906, for improvements and changes of a general nature, is hereby made available also for the interior decoration of the building." That paragraph in the bill was itself subject to a point of order as new legislation, so that if the amendment which is proposed is germane to the paragraph, it is in order irrespective of the question as to whether it would be in order as a distinct proposition by itself.

The CHAIRMAN. Will the gentleman please restate that proposition?

Mr. MANN. The amendment which I propose is an amendment to the paragraph itself, subject to a point of order as new legislation, so that if the amendment which I propose is germane to the paragraph, it is in order whether as a new proposition it would be in order or not. That paragraph provides in reference to improvements and changes of a general nature. The appropriation for that work is also made available for the interior decoration of the building. The original appropriation was for improvements and changes of a general nature, and being before the House on this appropriation bill, it seems to me it would still be open to any amendment which was germane to that improvement.

Mr. SMITH of Iowa. Will the gentleman pardon me in order to clear up his position? This amendment to which the gentleman's amendment is offered simply provides that certain funds which are described by reference may be used for decorating this building. Why does the gentleman claim that an appropriation for decoration of the Chicago post-office is not in order on this bill?

Mr. MANN. Well, it is perfectly plain that this is legislation changing an appropriation. Probably an appropriation for the decoration would be subject to a point of order, but if it were not it is subject to a point of order to say that a previous appropriation shall be diverted from something else and applied to decorations. However, Mr. Chairman, I also contend that

this proposed item is in order as an original item in the bill, if so offered.

The other day I called the attention of the Chair to the fact that this paving was laid by the United States under an appropriation made in 1880, expressly providing for the paving, and I shall insert in the Record, with the permission of the committee, a letter from the Supervising Architect giving the various appropriations for the Chicago post-office included within the original limit of cost and providing for an appropriation for paving. The appropriation for paving was carried by the general deficiency bill of June 16, 1880. Also, a letter from the Supervising Architect stating that under the act of June 16, 1880, providing for the pavement, there was paved by the Government with sandstone blocks one-half of the roadways on Clark, Dearborn, Adams, and Jackson streets, surrounding the building, and it is for the repair of that work done by the Government that this item is proposed. Now, Mr. Chairman, the gentleman from Iowa says that this is an item on the same footing as though the building had been sold by the Government. I deny it. In the first place, let it be understood that whatever title the Government has to the sidewalk space it has to the street space. Under the law of Illinois, if the Government has any title to the sidewalk it has the same title to the roadway. It has precisely the same title to one part of the street that it has to the other part of the street. The Government has improved the sidewalk space. It has laid a sidewalk there, and not only that, but it has machinery laid under the sidewalk, and one of the items, I call to the attention of the Chair, for which the urgent deficiency appropriation was made referred to in this paragraph was for machinery and improvements under and in the sidewalk space of the streets. The title was the same to that that it was to the balance of the streets. Now, Mr. Chairman, I do not believe that the gentleman from Iowa will contend that the Government can in no case make improvements even upon property which it does not own, but before discussing that for a moment I wish to say I have no doubt that the gentleman from Iowa is thoroughly familiar with the law of real estate as relating to streets in the State of Iowa, but his statement about the law of Illinois is erroneous.

Mr. SMITH of Iowa. I beg the gentleman's pardon, Mr. Chairman. I went and carefully examined the Revised Statutes of the State of Illinois, and found the provision I have cited here in the Revised Statutes of the State of Illinois.

Mr. MANN. That is very true, Mr. Chairman, but the gentleman did not go far enough and examine the decisions of the supreme court of Illinois, which decided that provision of the Revised Statutes had no application to this portion of the city of Chicago. I do not wonder the gentleman made a mistake, because there it is in the Revised Statutes of Illinois, purporting to cover everything, but in these days it is sometimes necessary, in order to understand the law, not only to examine the Revised Statutes, but the decisions of the courts, and occasionally the debates of the legislative bodies.

Mr. SMITH of Iowa. The courts, I believe, have decided that legislative bodies are not to be considered in the construction of a statute.

Mr. MANN. Only the other day I heard the Supreme Court of the United States deliver an opinion referring exhaustively to debates taking place in this House as a reason for the opinion—

Mr. SMITH of Iowa. And that ought to be, but I understand the rule to be otherwise.

Mr. MANN. Well, the gentleman's opinion and the opinion of the Supreme Court of the United States do not seem to go together in this case.

Mr. SMITH of Iowa. I think they do go together in this case. The gentleman and I differ as to what the opinion of the Supreme Court is on this subject. Now, I would like to ask the gentleman when this land was platted.

Mr. MANN. It was done probably before I was born.

Mr. SMITH of Iowa. That is not very definite.

Mr. MANN. Probably, then, it was before the gentleman from Iowa was born.

Mr. SMITH of Iowa. And even that is not very definite. Mr. Chairman, could the gentleman give me any idea when this land was platted?

Mr. MANN. It was platted, I will say to the gentleman, long before this provision was put in the Revised Statutes, and I do not know when this land was platted.

Mr. SMITH of Iowa. This statute was enacted in 1845.

Mr. MANN. The land was platted at this place before that

time. This is one of the oldest parts of the city of Chicago. Now, Mr. Chairman, on the other point, as to whether the Government of the United States can in any case make and repair improvements upon property which does not belong to it, I call your attention to this proposition: The light-houses of the country are often situated upon a piece of property owned by the Government which has no egress or ingress so far as lawful permission is concerned. In many cases there are no streets leading to the light-house. The same is true of life-saving stations. In many cases the Government does improve out of the funds for light-houses and life-saving stations—necessarily improve, economically improve—pathways or other ways for getting to those establishments upon property which it does not own. Now, will it be contended that as to those improvements—improvements which the Government makes with the consent of the owner of the property without the objection of anybody—it can not repair that improvement, and that if it can repair it Congress has no control over the question, but must leave it solely to the Executive to repair it out of the general funds? I do not think the gentleman from Iowa will contend that, because if he did, and that should become the policy of the Government, it would be more expensive than paying around Federal buildings, because it would require the Government to own the right of way to all of its life-saving stations and to its light-houses which are situated not on roads, but off on the seashore where there are no roads leading to them.

I think it clear that the Government has the right. The other day, Mr. Chairman, in this body, on the consideration of this identical bill, the gentleman from Ohio [Mr. KEIFER] either offered or supported an amendment for improvements in Cuba to mark places where our soldiers lost their lives. Located where? Upon property owned by the Government? Not at all; not even owned by American citizens. That appropriation went into the bill.

Mr. SMITH of Iowa. It went out of the bill.

Mr. MANN. The point of order against the appropriation was overruled, I will say. The Chair said that the item was in order, although it was an appropriation to continue a work in a foreign country upon land not owned by the Government at all. And while it is true that that point was not raised, it would be a reflection upon the Committee on Appropriations, which I will not make, if I should say that they thought it was good and did not make it. At that time they knew that it was not subject to a point of order on that ground, and although they urged every other ground which they could think of they did not urge that.

Mr. SMITH of Iowa. It may be possible, if the gentleman will permit me, that the Committee on Appropriations has more regard for places where soldiers fell in Cuba than it has for the ground around the Chicago post-office.

Mr. MANN. I can not say that that is proved, because, while they did not raise the point of order, they voted the amendment down. I have been taught to believe that gentlemen in charge of a bill who wish to defeat a proposition always raise a point of order on it if they can think of a point of order, and very often raise one when they can not think of a point of order. If they had not known that the amendment was in order, they would have raised the point. I contend, very briefly, Mr. Chairman, that this item would be in order as an independent proposition, although it is offered as an amendment to another proposition; and if it be not in order as an independent proposition, it is in order as germane to a proposition itself originally out of order relating to the same subject-matter.

I append herewith the following letters:

TREASURY DEPARTMENT,
Washington, January 20, 1906.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

SIR: Referring to our conversation of yesterday relative to the Chicago old custom-house and subtreasury building, and particularly to your reference to the fact that the Government paid for certain paving of the street surrounding said building, I have the honor to advise you that upon further investigation of the matter it appears from the records that the act of June 16, 1880, did provide for certain paving at the building named. For your information I give herewith a statement of the various acts for the site and construction of said building:

Act of December 21, 1871, limits cost of building to \$4,000,000, and appropriates	\$2,000,000.00
Act of March 3, 1873, appropriates	800,000.00
Act of June 23, 1874, appropriates	750,000.00
Act of March 3, 1875, appropriates	750,000.00
Act of March 3, 1877, appropriates	400,000.00
Act of April 30, 1878, appropriates	100,000.00
Act of June 20, 1878, appropriates	350,000.00

Act of March 3, 1879, appropriates for completion	\$525,000.00
Act of June 16, 1880, appropriates for the completion of building and approaches, including steps, sidewalks, and paving	125,000.00
Total amount appropriated	5,800,000.00

Amount expended for site	1,259,385.65
Amount expended for building to September 20, 1880—Respectfully,	4,427,538.84

J. K. TAYLOR,
Supervising Architect.

TREASURY DEPARTMENT,
Washington, June 9, 1906.

HON. JAMES R. MANN,
House of Representatives United States.

SIR: In connection with your recent visit to this office, I have the honor to advise you in relation to the paving of roadways on each side of the post-office, court-house, etc., building, Chicago, Ill.

Act approved June 16, 1880, on account of this building, appropriated \$125,000 for completion of building and approaches, "including steps, grading, sidewalks, and paving," and as a charge against this appropriation a contract was entered into for the supply of sandstone blocks on half of the roadways on Clark, Dearborn, Adams, and Jackson streets. This work was completed and payment authorized in October, 1881.

An exhaustive search has been made of the records of this office, but has failed to disclose any action taken by the United States Government making expenditures on account of changes of blocks since that time. As bearing upon this matter, find copy of Department letter addressed to you on May 22, 1897, and also copy of Department letter dated October 14, 1902.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

CITY OF CHICAGO,
BOARD OF LOCAL IMPROVEMENTS,
January 17, 1906.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR MANN: Your letter of January 12 to Commissioner of Public Works Patterson, in reference to the paving of the streets around the post-office, has by him been referred to this department. I beg to state that the records show the following condition in reference to the pavement around block 121, school section addition, etc., which is the legal description of the block upon which the post-office is situated. In 1879 Adams street was paved with wooden blocks, and block 121 (post-office) was assessed \$945.70, and the assessment was paid by the United States Government. In 1887 the north half of Adams street in front of the post-office block was paved with granite blocks. The cost of this half of the street paving was assessed upon the property owners and no part upon the Government. In 1881 the east half of Dearborn street was paved with granite block. The cost of the same was assessed upon the property owners and no part upon the Government. In 1884 the west half of Clark street was paved with granite block, and no part of the improvement assessed against the post-office lot, and in 1887 Jackson street, now Jackson boulevard, was paved upon the south half of the street, and no assessment was made against the Government property.

You will observe that in all of these instances, except in the first case, where Adams street was paved with wooden block in 1879, the half of the street immediately abutting upon the Government property was eliminated from the assessment proceedings. While there is no record in the department to this effect, I am informed by people who have been connected with the department for the last twenty-five or thirty years that the Government itself paved its half of all of these streets and paid for the same. This is borne out also by the fact that Adams street, Clark street, and Dearborn street are now paved in front of the post-office with granite block, and they were not paved by the city under special assessment proceedings. The conclusion will naturally follow that the Government paved these streets by private contract. I am not conversant with the improvement of Jackson boulevard with asphalt, except that I do recollect the half block in front of the post-office property was not improved at the time that the balance of the street was paved, but whether or not it was later improved by the Government or by the park boards I do not know. In my opinion it would not be possible to or practicable to assess the other property surrounding the post-office building for the entire improvement of these streets, and I am very much in doubt as to the position the city would take in reference to paying for the same. This would be a matter entirely within the control of the finance committee, and it might be advisable that you take that part of the matter up with Alderman Bennett, the chairman of that committee.

If this does not contain all the information desired, kindly let me know and I will be glad to furnish it to you.

Yours, very truly,

JOHN A. MAY, Secretary.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 22, 1897.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

SIR: Replying to your letter of the 15th instant relative to paving the north half of Jackson street between Dearborn and Clark streets

lying immediately south of the site of the post-office building, in Chicago, Ill., and suggesting that said expenditure might be paid out of the appropriation for "Court-house and post-office, Chicago, Ill." I have to advise you that the appropriation for said building is not available for expenditures other than for the construction of the public building named upon Government property, and that unless Congress makes specific appropriation for the proposed improvement this Department is powerless to give consideration to a bill therefor.

The letter addressed you by the Department on this subject on the 6th instant is herewith returned.

Respectfully, yours,

L. J. GAGE, *Secretary.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, October 14, 1902.

MY DEAR MR. MANN: I thank you for your letter of October 3, which has just reached my hands on my return to the city after an absence of several days. I have investigated the suggestion you make regarding an appropriation for paving that portion of the streets surrounding the Government building. I found that the Government has never done any paving whatever, and that the law does not authorize the expenditure of money for that purpose; otherwise I should be glad to take the matter up at once and have it pushed with all possible vigor.

As to the sidewalks, work is being done on those now as rapidly as possible, and as soon as they are ready for use they will be thrown open to the public. I understand that within two weeks the sidewalks on the Jackson boulevard and Dearborn street sides will be completed, and they will be immediately thrown open for traffic. All of the sidewalks should be completed not later than December 1. As soon as they are completed a low fence will be placed back near the building line of the building, and that will be replaced in time by the railing which is to be a permanent protection to the public from the area ways and light shafts.

I thank you for writing me, and shall be glad to cooperate with you to the best of my ability to secure prompt and efficient work on the whole structure. The new bids for the interior construction, I am informed, will be opened within a short time.

I inclose herewith some correspondence which was made public by the Department yesterday.

Very truly, yours,

L. M. SHAW, *Secretary.*

Hon. JAMES R. MANN,
906 Ashland Block, Chicago, Ill.

The CHAIRMAN. The amendment proposed by the gentleman from Illinois [Mr. MANN] reads as follows:

For repair of paving laid by and for the United States adjacent to the said building, \$15,000.

This amendment is different in character and rests upon a different basis from the amendment proposed by the gentleman from Georgia [Mr. BARTLETT] and other amendments of like character, because the amendment proposed by the gentleman from Georgia and others of like character that are pending are original propositions for paving around a public building, whereas the one submitted by the gentleman from Illinois [Mr. MANN] is for the repair of a pavement previously laid by the Government. The Chair is clearly of the opinion that a proposition to pave originally is legislation, and manifestly subject to the point of order. The only question, therefore, is as to whether a proposition to repair a pavement already laid by the Government of the United States is legislation, or whether or not it is authorized by any existing law. If this proposition be in order, it rests upon one or two facts, if they be facts: First, that the Government of the United States owns the fee where this paving is sought to be done, or, secondly, that it is a "work in progress" within the meaning of our rule. When the proposition was first advanced by the gentleman from Illinois [Mr. MANN] the Chair was inclined to hold that it was in order because the Government of the United States owned the fee, that impression having been given the Chair by the reading of the cession made to this land by the State legislature of Illinois, which the gentleman at that time produced. A careful reading, however, convinces the Chair that it has no reference whatever to the street on which the paving was originally made, that is sought to be repaired, and presume that that contention is not made at this time by the gentleman from Illinois.

Mr. MANN. The Chair will pardon me. I will say that contention was never made by me, but has been made by Government officials at Chicago.

The CHAIRMAN. Which seems to be unfortunate for the Government under this language, as the Chair will read:

That in case there shall be any street or alley running through any lot or tract of land so purchased or acquired by the said United States for any of the purposes described in the said act therein set forth, all that portion of said street—

What street? Running through the block on which the building is erected—

or alley, then such block or tract of land shall, upon the purchase of the same by the United States or the transfer of the same to the United States, by condemnation or otherwise, for any of the purposes aforesaid, be, and the same is hereby, vacated and closed, and the lots or tracts of land abutting upon such street or alley—

"Such" referring back to the street or alley running through this block on which the building has been erected—

shall extend to the central line.

And so forth.

Manifestly, in the opinion of the Chair, having reference only to alleys and streets running through this block, then possessed by the Government on a part of which the public building was erected, and having no reference to the streets or alleys then originally paved and now sought to be repaired.

Mr. MANN. I think the Chair never caught the point that I made on that question.

The CHAIRMAN. The Chair is quite willing to hear the gentleman.

Mr. MANN. That provision of the statute only referred to Old Quincy street and the alley. The statute contemplates the vacation of that street, and the Government assumed by the vacation of the street that the Government became the owner of the vacated Quincy street and the alley; and the Government obtained the title to those streets except as to the mere matter of right of possession by vacation; they had already obtained all the balance of the streets surrounding as going with the land.

The CHAIRMAN. The Chair understands from this language that these streets on which this paving was done, now sought to be repaired, were not vacated in fact. These streets are in use now.

Mr. MANN. They were not vacated. The point is, that the Government and the legislature both recognized the fact that the title to the streets was in the owner of the property, subject to the street easement, and that the street easement was vacated, and the Government thereupon built the building through it and obtained the same title originally in the part of the street not vacated as it did to the part vacated.

The CHAIRMAN. The Chair understands the proposition. The legal fiction is that the adjoining landowner owns to the middle of the street, owns subject to an easement. That is a legal fiction resorted to to prevent the fee from being in nubibus, or in the clouds, it being necessary in legal contemplation for it to vest somewhere or in somebody, and is only a legal fiction. The Chair is clearly of the opinion that the Government does not own the fee for the purpose of this legislation to the center of the street.

Now, the only other proposition is that this is a "work in progress." The Chair is of the opinion that when the Government of the United States laid the paving in question, now sought to be repaired, that it did not do it because of any legal obligation resting upon it to do the paving, but that it was a mere gift to the city of Chicago, which had absolute control of the streets and alleys of that city; that it was a mere gratuity on the part of the Government to the city, and that the Government of the United States does not now have such an interest in that paving that it might prevent the city of Chicago from doing with it as it pleases. In other words, if the city of Chicago desired to take up that pavement, which was laid there by the United States, the United States Government has no such interest in that paving that it could enjoin the city of Chicago from taking it up, casting it aside, or doing with it as it pleased. Essentially the streets and alleys of the city are exclusively within the control of the municipality of the city of Chicago, and not in the United States Government.

Now, the gentleman has made another point, which was, that this proposed amendment which he has offered, even if it be subject to a point of order, is sought to be appended as an amendment to a clause which is itself subject to a point of order, and therefore takes his amendment from under the operation of the general rule.

The Chair desires to call the attention of the gentleman from Illinois to the fact that it has been frequently held that, while a paragraph changing existing law may be allowed by general consent to remain and, thus remaining, may be amended by any germane amendment; yet that this does not permit an amendment which adds general legislation. So that if his amendment be legislation, it is still subject to the point of order.

For these reasons the Chair is inclined to the opinion that this is not authorized by law, and is therefore subject to the point of order; and the Chair sustains the point of order.

Mr. BARTLETT. I have an amendment on page 4 that I want to dispose of.

The CHAIRMAN. The Chair will sustain the point of order on the ground that that is a new proposition.

Mr. BARTLETT. Will the gentleman permit me to make another suggestion?

The CHAIRMAN. Certainly.

Mr. BARTLETT. I want the Chair and the gentleman from Minnesota [Mr. TAWNEY] to understand that this amendment is offered to that part of the bill which deals with the public building at Macon, Ga., so that it is germane to this section if it is in order.

I desire to add to what I have stated to the Chair, that the act of March, 1902, which authorizes the reconstruction and the additional work to be done on the Government building at Macon, Ga., contains these words:

For enlarging, improving, and extending the United States Government building at Macon, Ga.

And it also authorizes the purchase of additional land; and that reconstruction, remodeling, or to use the language of the act, "enlarging, improving, and extending" of the building is now in progress, for which \$100,000 is appropriated by the section. So that we have a work in progress of remodeling, extending, and improving the public building at Macon, which is now in progress, the limit being fixed at \$306,000, and we appropriate here \$100,000 toward the completion of the project.

Now, this amendment proposes to pay \$1,078.76 to the city of Macon, that has improved the property of the Government by paving the street, as I have heretofore stated.

That is all I desire to call the attention of the Chair to, and with that I am through.

The CHAIRMAN. The Chair is of the opinion that the amendment proposed by the gentleman from Georgia is not authorized by existing law, and therefore sustains the point of order.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent to go back to page 86 of the bill, and offer the following as a new paragraph under the head of "War Department."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to offer the following as a new paragraph.

The Clerk read as follows:

After line 4, page 86, insert:

"For the purpose of contributing to the expense of the national encampment of Spanish war veterans, to be held in the city of Washington, D. C., in October, 1906, the sum of \$5,000, the same to be paid out on the order of the Secretary of the Treasury in payment of bills incurred to the expense of such national encampment, such sum to be immediately available."

Mr. PAYNE. Does the gentleman ask unanimous consent?

Mr. KEIFER. I ask unanimous consent to go back to offer this amendment. It is subject to the point of order, but in view of the worthy purpose I hope no gentleman will make the point.

Mr. PAYNE. It is not only subject to the point of order, but requires unanimous consent to go back. I do not think we ought to put any such language in an appropriation bill.

Mr. KEIFER. Will the gentleman allow me for a moment?

Mr. PAYNE. If I remember correctly, there is one precedent of an appropriation for the Grand Army of the Republic, when the encampment was held here, but that was done by a joint resolution. It seems to me if this is to be done at all, it should be done in the same way, and not to put it in an appropriation bill and make a new precedent.

Mr. KEIFER. It has been done both ways.

Mr. Chairman, just a word on the subject, by unanimous consent. The Grand Army of the Republic, at its first national encampment, had an appropriation in all of about \$90,000. It was not directly appropriated for expenses, all of it, but some of it was, and some of it was by way of fitting up parks and stands and work of that kind. The last Grand Army national encampment had in the same way an appropriation, as I am informed, of about \$25,000. About \$11,000 of it was in the way of fitting up grounds for the meeting places of the encampment, and so on.

Now, those are the precedents. The Spanish war veterans set about raising, in the city of Washington, the necessary money by private subscription, and they were just entering upon that at the time the earthquake came in California. Then

the field was taken by those who solicited subscriptions for the purpose of relieving people in the city of San Francisco. People gave liberally to that, and after that the committees say that the people declined to give, because they had already given privately for the other purpose. Therefore this comparatively small appropriation is asked of Congress, and, following the precedent, I ask unanimous consent that it may be put in the appropriation bill here.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 86 to offer the amendment which has been read.

Mr. PAYNE. Before that request is put to the committee, I ask unanimous consent to proceed for a minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for a minute. Is there objection? There was no objection.

Mr. PAYNE. I do not know that I would object to it if it came up in the form of a resolution appropriating this money. There are several considerations that might lead me to yield to it; but I do not think we ought to put it in an appropriation bill. My recollection is that when a similar provision came up before for the Grand Army of the Republic it came up in the shape of a joint resolution. Therefore I must object to its coming in here in this way.

The CHAIRMAN. The Chair desires to state that there were several paving amendments that were pending, and the Chair desires to say that his ruling on the proposition of the gentleman from Illinois and the gentleman from Georgia extends to the other proposed amendments.

Mr. TAWNEY. I had reserved points of order upon all of them.

Mr. NORRIS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. NORRIS. I wanted to refer to a paving amendment which I obtained permission to offer the other day. Inasmuch as the ruling of the Chair has practically decided the question, and I think the ruling was right, I have no desire to offer my amendment.

The CHAIRMAN. The gentleman withdraws his amendment.

Mr. TAWNEY. Mr. Chairman, I read the other day a part of a letter written by Mr. Holmes, and stated that I would print the letter as a part of my remarks. When I received the transcript of my remarks the letter was not with it having been mislaid. It was subsequently found, and I now ask unanimous consent that it may be printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to print the letter referred to in the RECORD. Is there objection?

There was no objection.

Mr. TAWNEY. The following is the letter referred to as it was originally written and presented by me to Mr. Holmes and sent to him with his manuscript:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 12, 1906.

DEAR SIR: The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigations of fuels and structural materials by the United States Geological Survey.

I am sending you herewith a copy of his report in response to this resolution, in which he recommends the continuance of these investigations, giving reasons therefor, and asks Congress to make an appropriation of \$350,000 for this work during the next fiscal year.

The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress or the Director of the Geological Survey. If in writing for this report you feel sufficiently interested in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

The report on the investigation of structural materials during the past year, and also the preliminary report on the fuel investigations during 1905, will also be published at some time in the near future, and copies of these reports should be applied for through the same channel.

I may add that these fuel and structural-material investigations will hereafter be conducted under an advisory board made up of representatives from the national engineering and allied societies, and on this board the mining engineers will have five representatives. Mr. John Hays Hammond, of New York; Mr. Robert W. Hunt, of Chicago; Mr. B. F. Bush, of St. Louis; Mr. Julian Kennedy, of Pittsburg, and Mr. C. S. Robinson, of Denver.

Very respectfully,

J. A. HOLMES.

The following is the letter as photolithographed with marginal note as it appeared when it was returned, with direction on the margin to omit the sentence underscored:

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY

WASHINGTON, D. C.

March 12, 1906.

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Very respectfully,

3/10/06 J. A. James

Mr. PARKER. Mr. Chairman, I move to strike out the last two lines, repealing all laws inconsistent with this bill. At the conclusion of what I have to say I shall ask the committee for unanimous consent to extend my remarks on the subject of the amendment which was adopted the other day, during my temporary absence, with respect to the Soldiers' Homes, prohibiting any part of the appropriation to be used in any Home which maintains a bar or canteen for the sale of intoxicating liquors.

I did not know that such an amendment was to have been offered or I should have been here at any cost, and I wish to say a word or two now.

Mr. Chairman, the amendment affords no opportunity for a fair vote in the House on the report from this committee.

Mr. TAWNEY. Right there I want to state to the gentleman that since the adoption of the amendment I am advised by the general treasurer of the board that it will be necessary for Congress to appropriate \$200,000 for the maintenance of Homes more than otherwise would have been necessary.

Mr. KEIFER. I would like to know for what purpose that is to be done.

Mr. PARKER. I hope gentlemen will not take up my time. Mr. Chairman, that amendment allows no fair vote in the House. Neither the Homes nor the Government want to maintain bars or canteens. "Canteen" and "bar" are not the right words. The soldiers in the Army and the old soldiers in the Homes have been maintaining soldiers' clubs, as they had a right to do, where they could have refreshment, a glass of light beer or light wine, in such moderation as shall not be intoxicating, as each man may in his own home, what every man in this House claims the privilege of doing. Under this amendment these soldiers' clubs, where the proceeds of the sales go for the common benefit into books, newspapers, and athletics, are to be taken away from the soldiers, and they are to be treated as mere children.

Mr. LITTLEFIELD. Mr. Chairman—

Mr. PARKER. If the gentleman will excuse me, I have but little time.

Mr. LITTLEFIELD. Fire away.

Mr. PARKER. I am going to fire away. Now, Mr. Chairman, this amendment was offered by the gentleman from Kansas. There is a Soldiers' Home in Leavenworth, Kans.; there is a prohibition against the sale of any sort of intoxicating liquors in the constitution of Kansas, and the Soldiers' Home is right by a town that is wide open with the sale of all sorts of intoxicating liquors. Old soldiers who insist on their right to a drink are to be forced and driven from their club into these unlicensed and unregulated saloons.

Mr. LITTLEFIELD. I do not see the gentleman from Kansas [Mr. BOWERSOCK] here—

Mr. PARKER. The gentlemen from Kansas know what I am talking about. They know it is true. Now, I do not believe in treating old soldiers as mere children, as babies; but I do not believe in going to a vote on a question that is not the question before the House. The question is not one of selling liquor in a bar or canteen. It is that of the right of the soldiers' club to drink light beer and light wines in moderation in their own room. The clause should have been amended so as to apply to these soldiers' clubs, but it can not be done now. We can not have a debate or amendment of the provision on the floor of the House that is passed. We could only have a vote on the question whether Soldiers' Homes should maintain a bar for general sale of liquor. They do not want this. I do not want it. But, on behalf of the old soldiers, I desired then and I desire now to object to this tyranny over them. I always have been, and always expect to be, unflinchingly opposed to taking away from them the right to practice temperance in their own home, and prohibition is not temperance. Mr. Chairman, I withdraw my pro forma amendment, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PARKER. The post exchange in the Army was a soldiers' club, in which, like any other man, our boy in blue could obtain a drink of beer in moderation and decency. That post exchange was not created by general order. It grew out of necessities. An officer in the far West some sixteen years ago wanted to promote temperance among his men and to keep them away from the low haunts that surround a military post. He arranged that his men should club together, allowing the use of light wine and beer, and furnishing a room in which they could meet together, with a refreshment counter, newspapers, and a gymnasium, to enjoy some of the freedom that belongs to a man in private life, where those who know one

another form their own club, so that they may be with friends, and drink, if at all, in decency and moderation. The institution grew. It proved its usefulness. It destroyed the prevalence of the pay-day spree. It reduced disease. It reduced drunkenness. It reduced desertion; for the most common case of desertion is when a man is tempted into some vile haunt, doped, and finds himself absent without leave when he comes to his senses, but is unwilling to go back and receive punishment and disgrace. It commended itself to every officer who had seen it.

It was unfortunate that the post exchange got the name of "canteen," a name which is associated in the minds of the older officers and of the public with an entirely different institution, namely, the sutler's canteen, where strong drink could be bought at will. There is a great deal in a name, and it is quite possible that the name alone was the cause of the prejudice which was raised throughout the Union against the soldiers' club; but the mischief was done when Congress invaded the Army, as it is now proposed to invade the government of the Soldiers' Home, taking away their right to govern themselves and attempting government by statute.

But this proposition goes away beyond any that has come before. One could understand the feeling of anxious mothers as to young men in the Army. It is hard to understand how they could wish to take away the comfort of an occasional drink of beer from the old soldiers of more than 60 years of age. Only enthusiasts could twist the facts as they have done. We are told to compare the statistics of drunkenness at Marion, Ind., in 1903, without beer in the Home, and in 1905, when they say beer was there. The fact is that the beer hall was not opened in Marion until January, 1906, so as to give only a few months' statistics, but statistics which show a large decrease in drunkenness after pension day since the beer hall was opened. Attempt is made to compare the record of the National Homes with the Soldiers' Home in Washington, the latter being confined to men of long service and good record, a large proportion being there because of service in the Regular Army during a period of twenty years of peace.

I add an appendix as to some of the statements made the other day in debate.

APPENDIX.

Memorandum relative to beer in the National Home for Disabled Volunteer Soldiers.

If the amendment to the sundry civil bill that provides that no part of the appropriation for the National home shall be available for Homes where any form of alcoholic beverage is sold should become a law, it would result in depriving members of the Home of much more than the privilege of obtaining light beer. The beer halls were originally established in the Homes as a temperance measure, and have in every Branch helped in the difficult task of maintaining sobriety and good order. They have done much more than this. They have become a feature of the Home, essential to the best interests of all members, irrespective of whether they individually use the beer sold in them or not.

Long experience has shown that a wide variety of amusements and comforts is essential to the happiness of the aged members of Homes. A disinclination to make new acquaintances is a characteristic of old age, and aged people when separated from their families and the friends of a lifetime, as the members of the Home necessarily must be, are peculiarly subject to that most distressing form of loneliness—loneliness in a crowd.

AVERAGE AGE OF MEMBERS 66 YEARS.

The whole influence of the beer halls in the Home is to counteract this tendency. They provide a meeting place, furnished with chairs, and tables, where new acquaintances can be easily made, and where, under the influence of cheerful social intercourse, the vague mental and physical aches of old age and possibly the depressing recollection of past failures can be, at least temporarily, forgotten.

The extent to which members would be deprived of advantages to which they have become accustomed, by the passage of this amendment, is shown by the fact that there was expended for their amusement and benefit during the fiscal year ending June 30, 1905, the sum of \$199,835.46 from the post fund. Of this amount \$131,691.45 was derived from the profits of the beer halls. This expenditure was for the maintenance of bands, theaters, clubhouses, billiard halls, card room, out-door games, deer parks, aviaries, the construction of shelters, and resting places about the grounds, monuments for the cemetery, vocal music for Sunday services in chapel and hospitals, and the purchase of newspapers and periodicals.

All of this is necessary, because at best life in an institution where human beings are crowded together is so unnatural and different from family life that special provisions for entertainment are essential to even a moderate degree of contentment. Life in barracks for aged idle people, unless relieved by attractive surroundings and some form of amusement or diversion, is so depressing that it tends to the development of melancholia, dementia, and suicide. It is therefore important that if this amendment becomes a law the appropriation for the National Home should be largely increased. There is not now time to prepare full estimates for this, although an estimate has been made of the increase necessary to permit of continuing the bands, which, however, are but one feature of the amusements now enjoyed. If so radical a change as the adoption of this amendment is insisted upon, at least one year's time should be allowed before it becomes operative to permit of adjusting the practices at the Homes to the change.

On page 8604 of the CONGRESSIONAL RECORD for June 12, 1906, Mr. TIRRELL is quoted as follows:

"Now, I want to give an illustration, which is right in point in regard to this matter. There is a Soldiers' Home out in one of the

Western States, at Marion—I think—Indiana, where until the last two years no canteen was maintained. A canteen was put into that Home two years ago, and the statistics show that crime and disorder had increased in that Home 25 per cent since the canteen was established there."

On page 8608 Mr. LITTLEFIELD is reported as stating: "Now, I would like to call attention to the Marion Branch, Marion, Ind., for two years with a canteen and a year without a canteen. I will take 1903 and compare it with 1905. At the Marion Branch in 1903 * * * the total cases of discipline were 543; * * * in 1905, with the canteen, * * * the total cases of discipline were 737—that is, an increase of 33½ per cent."

These statements are entirely incorrect, because the beer hall was not opened at the Marion Branch until January 9, 1906. The figures used by Mr. LITTLEFIELD are taken from the report of the Marion Branch for the fiscal year 1905, which ended on the 30th of June, more than six months prior to the opening of the beer hall.

The governor of the Marion Branch reports that difference in cases of discipline referred to by Mr. LITTLEFIELD is due to local causes resulting chiefly from a State law and the attitude of the authorities of the city of Marion relative to it. So far as figures are available at the Marion Branch relative to the effect of the beer hall since it was opened, January 9, 1906, they indicate that its influence has been good. The total arrests for the ten days following the last quarterly payment of pensions prior to the opening of the beer hall was 64. The total arrests for the ten days following the quarterly payment of pensions next succeeding the opening of the beer hall was 42, a decrease of 34.3 per cent in arrests, which may be fairly attributed to the influence of the canteen at that Branch.

Mr. LITTLEFIELD compares reports of discipline of the Central Branch, at Dayton, Ohio; the Northwestern Branch, at Milwaukee, Wis., and the Eastern Branch, at Togus, Me., with those of the Soldiers' Home at Washington, and states that the men in the latter are older than the members of the National Home. The official reports for the year ending June 30, 1905, show the average age of inmates of the Soldiers' Home at Washington to be 59.01 years. The average age of members of the National Home for the same year was 65.12.

A comparison between conditions in the National Home and the Soldiers' Home at Washington is not fair, because of the great difference in the class of men admitted to the two institutions. At the Washington Home only men of good record, and, as a rule, of long service, are admitted, while in the National Home there is practically no restriction upon the admission of men who served during the civil war. The average length of service of inmates of the Washington Home is fourteen and four-tenths years. The average length of service of the members of the National Home is less than two years. The habits of sobriety, subordination, and good conduct acquired by members of the Regular Army during their long service would necessarily have its influence in connection with the discipline of the Home at Washington.

The majority of the members of the National Home are there because of disabilities and habits contracted in early life while living under the conditions resulting from active service in the field during a great war. The influence of war and its effect upon men engaged in it is too well known to need further comment in this connection. A very large proportion of the men in the Soldiers' Home in Washington are there because of twenty years' service in the Regular Army, during a period when there was no war. They are, therefore, as a whole, of a totally different class from the members of the National Home. The difference in the methods of discipline and reporting in the two institutions are also so great as to make any comparison between their statistics of little or no value.

Mr. TIERRELL is quoted as saying (CONGRESSIONAL RECORD, p. 8604): "No one can dispute the accuracy of this statement, and it never has been disputed, so far as I know," and quotes a statement of Mr. Adams, his partner, relative to the conditions at the Eastern Branch, at Togus, Me., as follows: "If a man had no pension, he was allowed tobacco and beer tickets."

Beer tickets have never been given to members by the Home, nor has beer ever been purchased with money appropriated by Congress, except in small quantities for use in the hospitals. Tobacco has been and still is issued to nonpensioners who use it.

At the Southern Branch, near Hampton, Va., the members were quarantined on account of yellow fever from July 31, 1899, until September 7, 1899. During the entire period of quarantine there were only two arrests, both minor offenses. Members had free access to the beer hall at this time, but could not visit the saloons outside of the grounds where strong liquor is sold. This is the lowest record of cases of discipline at any Branch of the Home. If the sale of beer at the Home was the cause of misconduct of members, as charged by Mr. LITTLEFIELD, it would certainly have been manifest at this time, when members were made restless and uncomfortable by being confined to the Home grounds. At the Eastern Branch, at Togus, Me., members are, to a partial extent, kept within the limits of the Home during the first three months of the calendar year on account of the severity of the weather and the depth of the snow. The number of cases of discipline is much smaller during this period, although the number of members present is always larger than for the three months following, when the weather permits members to go outside to places where strong liquor is sold. For the ten years ending June 30, 1905, the average number of cases of discipline at the Eastern Branch for the quarters ending March 31 was 119; for the quarters ending June 30, 186, an increase of 56 per cent.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any

amendment. If not, the vote will be taken on the amendments in gross. The question is on the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to report the same with the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after line 2, on page 165:

"Provided, That no part of this appropriation shall be expended for materials and supplies which are manufactured or produced in the United States unless said articles are sold to the Isthmian Canal Commission at export prices whenever such export prices are lower than the price charged consumers in the United States."

Mr. TAWNEY. Mr. Speaker, the amendment is the same as that offered yesterday in the Committee of the Whole. I desire to ask the gentleman from Massachusetts if it is not the same as was offered in the Committee of the Whole on yesterday, and which was ruled by the Chair to be in order?

Mr. SULLIVAN of Massachusetts. Substantially the same. It is the same in effect. It has the same legal effect.

Mr. TAWNEY. Mr. Speaker, I make the point of order that this is a proposition that was considered in the Committee of the Whole, and that it is also new legislation and was considered and rejected by the Committee of the Whole. I also desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. The previous question has not been ordered on the final passage of the bill. Is it now in order to move to recommit the bill until the previous question has been ordered?

The SPEAKER. The Chair will hear the gentleman from Massachusetts [Mr. SULLIVAN] on the point of order briefly.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, the amendment is offered to that part of the appropriation bill which provides \$9,032,814 for purchase and delivery of material, supplies, and equipment for the construction of the isthmian canal. The amendment is drawn in the form of a limitation upon the appropriation. It does not change existing law or make any addition to the permanent law. It applies to the appropriation carried in this bill, and to that only. If we have the power to deny this appropriation entirely, obviously we have the power to limit the appropriation or the manner in which it may be expended. It seems to me to be clearly a limitation upon the appropriation and not a change of law. I will say, in addition, that precisely the same question was submitted yesterday and ruled in order by the Chairman of the Committee of the Whole.

The SPEAKER. The Chair is informed that the gentleman is in error. The Chair is informed that the point of order was withdrawn, and that there was no ruling of the Chair in the Committee of the Whole. However, if there had been a ruling, it would not control the Chair, but of course would be considered by the Chair as an authority to be taken into consideration in deciding the point of order.

Mr. WILLIAMS. Mr. Speaker, the point of order was not withdrawn yesterday. While it was withdrawn by the gentleman from Minnesota [Mr. TAWNEY], it was renewed by the gentleman from Ohio [Mr. KEIFER], so that the point of order itself was never withdrawn.

Mr. SULLIVAN of Massachusetts. That is my recollection, and I wish to call the attention of the Chair to the further fact that a similar limitation in the form of an amendment was adopted by the House upon the motion of the gentleman from New York [Mr. LITTAUER], confining the expenditure of the appropriation to the lock type of canal, that a point of order was made against that and overruled by the Chair. The principle involved in both cases is the same.

Mr. TAWNEY. Mr. Chairman, I would ask the gentleman from Massachusetts in what respect this amendment differs from the one on page 8844 of the RECORD, which he offered yesterday in Committee of the Whole?

Mr. SULLIVAN of Massachusetts. No change, in my judgment, except in the language used. The legal effect of it is exactly the same.

Mr. TAWNEY. What is the difference in the language?

Mr. SULLIVAN of Massachusetts. I have not a copy of the amendment.

Mr. TAWNEY. Your present amendment does apply to export prices, does it not?

Mr. SULLIVAN of Massachusetts. No.

Mr. TAWNEY. It mentions export prices.

Mr. SULLIVAN of Massachusetts. It mentions export prices; that does not change the principle involved.

Mr. TAWNEY. I ask, Mr. Speaker, that the Clerk report the amendment.

The SPEAKER. The Clerk will again report the amendment. The amendment was again reported.

Mr. SULLIVAN of Massachusetts. Now, Mr. Speaker, the proposition is the same under both amendments. The object sought by both of these amendments is to leave with the Isthmian Canal Commission the power which they now enjoy, to buy supplies for the construction of the canal in the cheapest markets. There is no provision of law now which compels them to discriminate in favor of American manufacturers and producers against manufacturers and producers in foreign countries. The amendment seeks to secure to the Isthmian Canal Commission the same free hand in purchasing its supplies that it has to-day. It makes no change in existing law.

Mr. OLMSTED. Mr. Speaker, I wish to suggest that the amendment now offered differs in some respects which may be material and important from any amendment which was offered in the Committee of the Whole House on the state of the Union yesterday, and particularly does it differ from the amendment offered by the gentleman from Massachusetts himself in committee and held in order by the Chairman. While the amendment which he offered yesterday was merely a limitation upon the appropriation itself, this amendment, if I correctly heard it as read by the Clerk, imposes upon the Isthmian Canal Commission, or those who purchase these supplies, an additional duty. The amendment yesterday which the gentleman offered provided that no part of the appropriation should be expended except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law—that is to say, it imposed upon them no duties except those already existing under present law. I suggest, Mr. Speaker, the consideration that this amendment would impose upon that Commission the duty, not now imposed under existing law, of inquiring and ascertaining the export prices of these materials, and to ascertain also the prices to American consumers, whether wholesale or retail prices not stated, in addition to receiving and opening bids. It imposes upon this Commission very arduous and important duties not imposed upon them by existing law, but which they would have to perform in order to comply with the terms of that amendment; and even those are not definite. It not only limits expenses or controls the appropriation, but in controlling it imposes the duties I have suggested.

Mr. CRUMPACKER. Will the gentleman allow a suggestion? Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. Allow me to suggest to the gentleman it fixes a standard of prices for the purchase of material. There is nothing clearer than that. No Department officer could help but construe that to be legislation by Congress fixing the standard of prices for materials when no standard is fixed by the law, and it is pregnant with legislation. The Chair of course will look to the substance as well as the form in determining whether the proposition is in or out of order, and as the gentleman from Maine has suggested, if it accomplishes anything it accomplishes legislation, and if its interpretation is such that it must be given the legislative meaning as fixing a standard of prices it is in violation of the rule and practice of the House.

Mr. DALZELL. Let me suggest to the gentleman there is no standard of export prices that could be ascertained by the Commission.

Mr. OLMSTED. There is no standard of prices to the American consumer, and there are thousands of different varieties of articles to be purchased under this appropriation.

Mr. WILLIAMS. Mr. Speaker, the present practice and the present rule of the Commission under the existing law is that they can buy goods wherever the goods can be bought cheapest. There is no tariff against foreign goods upon the isthmian strip. Now, then, in order to determine who is the lowest bidder at present when a bid is offered from the United States and another from abroad the Commission determines which one of the two is the lower. Now, if the amendment stopped with the words "export prices," something of what has been just said might be well said, but it goes on to say "wherever these are lower than the prices charged the American consumer." Now, Mr. Speaker, the amendment is merely a provision that the Commission shall limit the amount when buying in our markets to the world's competitive price, because, of course, when our people sell abroad and fix an export price it is necessarily the world's competitive price. The only way that the Commission

can determine what that competitive price is by considering the bids submitted to the Commission. So that the language "export prices, when they are lower than," is simply, after all, when those prices are lower than any other prices. The gentleman says this amendment is unlike either of the amendments suggested yesterday. I submit, in the first place, it is in substance, though not in language, exactly the same as the amendment submitted by the gentleman from Massachusetts, and then I submit it is in language even almost identical with the amendment submitted by me later on and voted down by the committee and entertained by the Chairman as being in order.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I wish to contribute something to the information of the Chair in order that he may make a just decision. The gentleman from Pennsylvania [Mr. OLMSTED] has stated that there was no such thing as a standard of export prices. If that statement is in accordance with the facts, it has a material bearing upon the decision of this question. I desire to read the testimony of Mr. Shonts, the president of the Commission, and Mr. Ross, the purchasing agent of the Commission, in order to show that there is a standard of export prices and that these high and responsible Republican officials know that there is. Mr. Shonts says—

Mr. TAWNEY. Mr. Speaker, I make the point of order that the testimony of Mr. Shonts and the testimony of Mr. Ross before the Committee on Appropriations on this subject is not material and has no bearing on the point of order which is now under consideration.

The SPEAKER. The Chair hears gentlemen on points of order. It is in the discretion of the Chair, and the Chair would not desire to cut off the gentleman from what he desired to say if it was fairly brief. The Chair would like to know if the gentleman has any statement to make concerning what the law now is?

Mr. SULLIVAN of Massachusetts. Yes; I have; but if the Chair will indulge me one moment, I will read this testimony.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. SULLIVAN of Massachusetts. The testimony is as follows:

Mr. SHONTS. I would favor buying in the open market for the reasons Mr. Ross has stated. I think the fact that we have that privilege enables us to get our American-made material cheaper. I think that the steel companies, to illustrate, give us the benefit of their export prices.

Mr. ROSS. There is one other thing that I might have said. I do not know positively, as I said a while ago, that the United States steel export companies, for instance, would take advantage of us if we didn't have the right of foreign competition, but they do put our business on an export basis now. For instance, on steel rails—we have bought steel rails during the last year for \$26.40 a ton delivered alongside a vessel at Baltimore, while the rate that they usually charge the railroads of this country was \$28 at the mill.

Now, Mr. Speaker, the law—

Mr. OLMSTED. Does the gentleman consider that is a standard rate?

Mr. SULLIVAN of Massachusetts. I consider that if the veracity of responsible Republican officials is to be admitted, it is a standard rate, and I assume that the officials, who have spent \$10,000,000 for supplies and are ready to contract for \$10,000,000 worth more, know quite as much as the gentleman from Pennsylvania on the question as to whether there is a standard export rate.

Mr. OLMSTED. Will the gentleman tell what the standard export rate of steel shovels is and how long it will remain the standard?

Mr. SULLIVAN of Massachusetts. I do not know. I am simply quoting the general statement of the president of the Commission that the present law gives them the advantage of the export prices of American manufacturers. He did not go into detail and say that there were export prices for some articles and not for others. That statement was a general one, obviously comprehending all supplies which are needed in the construction of the canal.

Now, Mr. Speaker, the gentleman from Pennsylvania states that this amendment will impose a new duty upon the officers purchasing canal supplies. I assert that it imposes no duty upon them which does not rest upon them now. There is a duty upon them now imposed by their obligation to the American people to construct this canal at the lowest possible cost. To do so they must purchase their supplies wherever they can buy cheapest. In order to purchase cheapest they must ascertain what articles are sold for abroad and what the same articles are sold for at home—in the United States.

If they fail to do that now, they fail to discharge a duty which existing law places upon them. Now, the same obligation will rest upon them absolutely unchanged, unenlarged, if this amendment is adopted. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, there is no existing law that guides the Isthmian Canal Commission in the making of purchases. The fact is that the Secretary of War and the President believe that there is no law, and have asked Congress to pass a law to furnish a guide to the Isthmian Canal Commission on that subject. If there be no law, and we have the statement of the Secretary of War and the President to that effect, then this is a change of existing law, because it proposes to make a new law, and the making of a new law is a change of law.

Mr. SULLIVAN of Massachusetts. In reply to the gentleman from Pennsylvania, if an officer of this Government fails to meet an obligation which the law puts upon him, namely, to buy supplies for the Government as cheaply as he can, and instead of discharging that obligation buys at a higher price than he is enabled to, I assert that he is guilty of a violation of law and of malfeasance in office.

Mr. DALZELL. I assert that there is no law.

Mr. SULLIVAN of Massachusetts. There is an unwritten law.

Mr. DALZELL. There is no United States law that fixes how the Isthmian Canal Commission shall purchase supplies for the construction of the isthmian canal.

Mr. SULLIVAN of Massachusetts. If an officer of the Government purchased supplies in the dearest market and not in the cheapest, I assert that that officer can be impeached for malfeasance in office, unless we direct him to purchase in the dearest market, as you gentlemen on the other side wish to have the law direct him to do.

The SPEAKER. The Chair is prepared to rule. It is conceded that under the law as it is at this time these supplies may be bought anywhere, without regard to where they may be produced, whether in the United States or elsewhere in the world. Now, this is an appropriation for supplies and equipment for the construction and engineering and administration departments of the Isthmus of Panama, \$9,000,000. The motion to recommit made by the gentleman from Massachusetts is as follows:

To recommit the bill with instructions to report the same back with the following provision: After line 2 of page 165:

"Provided, That no part of this appropriation shall be expended for materials and supplies which are manufactured or produced in the United States unless said articles are sold to the Isthmian Canal Commission at export prices whenever such export prices are lower than the prices charged consumers in the United States."

Gentlemen say this fixes a standard. It is not necessary for the Chair to discuss the merits of the measure. "Consumers in the United States." If the Chair was to discuss them, and it was a question of fixing a standard, would it be consumers by retail or wholesale?

The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law, then it is not necessary. If it does change existing law, then it is subject to the point of order. [Applause.] Much has been said about limitation; and the doctrine of limitation is sustained upon the proposition under the rule that, as Congress has the power to withhold every appropriation, it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated.

Mr. TAWNEY. I move to recommit the bill; and on that I demand the previous question.

Mr. WILLIAMS. A parliamentary inquiry. Before the Chair passes finally upon the point of order I want to ask this question: Has the Chair any doubt that under existing law the Commission has already bought at export prices?

The SPEAKER. The Chair is informed that the Commission has plenary power now. Under the law as it now exists, after having asked a gentleman who he believes knows, and which he believes is not controverted, the Commission may buy supplies anywhere and of anybody.

Mr. WILLIAMS. Then this only requires them to continue—

The SPEAKER. Now, then, it is a limitation, the Chair submits to the gentleman from Mississippi; limits that power, and in limiting that power legislates.

Mr. WILLIAMS. But, Mr. Speaker—

Mr. TAWNEY. I move to recommit the bill, and upon that demand the previous question.

Mr. WILLIAMS (continuing). If they may do that now how is it a change of existing law? Has the Chair decided?

The SPEAKER. The Chair has decided.

Mr. WILLIAMS. Then I respectfully appeal.

Mr. TAWNEY. I move to lay the appeal on the table.

Mr. SULLIVAN of Massachusetts. On that I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] to lay on the table the appeal of the gentleman from Mississippi [Mr. WILLIAMS] from the decision of the Chair.

The question was taken; and there were—yeas 156, nays 69, answered "present" 12, not voting 143, as follows:

YEAS—156.

Adams	Davidson	Huff	Reeder
Alexander	Davis, Minn.	Humphrey, Wash.	Reynolds
Allen, Me.	Dawes	Jenkins	Rhodes
Allen, N. J.	Dawson	Jones, Wash.	Rives
Ames	Denby	Kahn	Rodenberg
Andrus	Dixon, Mont.	Keifer	Samuel
Babcock	Draper	Kennedy, Nebr.	Scott
Bannon	Driscoll	Kennedy, Ohio	Scroggy
Barchfeld	Dunwell	Kinkaid	Sibley
Bartholdt	Dwight	Klepper	Smith, Cal.
Bates	Ellis	Lacey	Smith, Ill.
Bede	Esch	Lafean	Smith, Iowa
Bennet, N. Y.	Fletcher	Landis, Frederick	Smith, Samuel W.
Birdsall	Foss	Littlefield	Smith, Pa.
Bishop	Foster, Ind.	Loudenslager	Snapp
Bonyng	Foster, Vt.	Lovering	Southard
Boutell	French	McCarthy	Southwick
Brooks, Colo.	Brooks, W. Va.	McClary, Minn.	Stafford
Brownlow	Gardner, Mich.	McGavin	Steenerson
Buckman	Gardner, N. J.	McKinlay, Cal.	Sterling
Burke, S. Dak.	Gilbert, Ind.	McKinley, Ill.	Stevens, Minn.
Burton, Del.	Gillett, Cal.	McKinney	Sulloway
Burton, Ohio	Gillett, Mass.	McLachlan	Tawney
Butler, Pa.	Goebel	Madden	Taylor, Ohio
Campbell, Kans.	Graff	Mahon	Thomas, Ohio
Campbell, Ohio	Grosvenor	Marshall	Tirrell
Capron	Hale	Martin	Townsend
Chaney	Hedge	Miller	Tyndall
Chapman	Henry, Conn.	Murdock	Volstead
Cole	Hepburn	Needham	Waldo
Cooper, Pa.	Hermann	Nevin	Wanger
Cooper, Wis.	Higgins	Norris	Watson
Cousins	Hill, Conn.	Olmsted	Weems
Cromer	Hinslaw	Otjen	Wharton
Crumpacker	Hoar	Overstreet	Wiley, N. J.
Curtis	Hogg	Parker	Wilson
Cushman	Howell, N. J.	Payne	Wood, N. J.
Dale	Howell, Utah	Pollard	Woodyard
Darragh	Hubbard	Prince	Young

NAYS—69.

Adamson	De Armond	McNary	Sherley
Aiken	Dixon, Ind.	Macon	Sims
Bankhead	Ellerbe	Maynard	Slayden
Bartlett	Floyd	Meyer	Smith, Ky.
Beall, Tex.	Garner	Moon, Tenn.	Smith, Tex.
Bowie	Granger	Moore	Spight
Brantley	Hardwick	Murphy	Sullivan, Mass.
Brooks, Tex.	Healin	Padgett	Talbott
Brundidge	Henry, Tex.	Patterson, S. C.	Taylor, Ala.
Burgess	Houston	Pou	Thomas, N. C.
Burleson	Howard	Rainey	Trimble
Butler, Tenn.	Humphreys, Miss.	Ransdell, La.	Wallace
Candler	Hunt	Richardson, Ala.	Watkins
Clark, Fla.	Johnson	Richardson, Ky.	Webb
Clark, Mo.	Jones, Va.	Rucker	Zenor
Clayton	Kitchin, Wm. W.	Russell	
Davey, La.	Lee	Ryan	
Davis, W. Va.	Lloyd	Sheppard	

ANSWERED "PRESENT"—12.

Currier	Holliday	Minor	Powers
Gillespie	Lever	Mouser	Slemp
Gregg	Mann	Patterson, N. C.	Weeks

NOT VOTING—143.

Acheson	Dresser	Hamilton	Lester
Beldier	Edwards	Haskins	Lewis
Bell, Ga.	Fassett	Haugen	Lilley, Conn.
Bennett, Ky.	Field	Hay	Lilley, Pa.
Bingham	Finley	Hayes	Lindsay
Blackburn	Fitzgerald	Hearst	Littauer
Bowers	Flack	Hill, Miss.	Little
Bowersock	Flood	Hitt	Livingston
Bradley	Fordney	Hopkins	Longworth
Brick	Fowler	Hughes	Lorimer
Broussard	Fulkerson	Hull	Loud
Brown	Fuller	James	McCall
Burke, Pa.	Gaines, Tenn.	Kelher	McCreary, Pa.
Burleigh	Garber	Ketcham	McDermott
Burnett	Gardner, Mass.	Kitchin, Claude	McLain
Byrd	Garrett	Kline	McMorran
Calder	Gilbert, Ky.	Knapp	Michalek
Calderhead	Gill	Knopf	Mondell
Cassel	Glass	Knowland	Moon, Pa.
Cockran	Goldfogle	Lamar	Morrell
Cocks	Goulden	Lamb	Mudd
Conner	Graham	Landis, Chas. B.	Olcott
Dalzell	Greene	Law	Page
Deemer	Griggs	Lawrence	Palmer
Dickson, Ill.	Gronna	Le Fevre	Parsons
Dovener	Gudger	Legare	Patterson, Tenn.

Pearre	Ruppert	Sparkman	Vreeland
Perkins	Schneebell	Sperry	Wachter
Pujo	Shackelford	Stanley	Wadsworth
Randell, Tex.	Shartel	Stephens, Tex.	Webber
Reid	Sherman	Sullivan, N. Y.	Weisse
Rhinock	Small	Sulzer	Welborn
Rixey	Smith, Md.	Towne	Wiley, Ala.
Roberts	Smith, Wm. Alden	Underwood	Williams
Robertson, La.	Smyser	Van Duzer	Wood, Mo.
Robinson, Ark.	Southall	Van Winkle	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MOUSER with Mr. GARRETT.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. GRAHAM with Mr. PAGE.

Mr. VREELAND with Mr. GREGG.

Mr. KNAPP with Mr. LITTLE.

Mr. SLEMP with Mr. GLASS.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. DEEMER with Mr. KLINE.

Mr. HASKINS with Mr. LEVER.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. WELBORN with Mr. GUDGER.

Mr. WEEKS with Mr. STANLEY.

Mr. EDWARDS with Mr. HILL of Mississippi.

Mr. LE FEVRE with Mr. CLAUDE KITCHEN.

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. HITT with Mr. LEGARE.

Mr. DOVENER with Mr. SPARKMAN.

Until June 20:

Mr. BURKE of Pennsylvania with Mr. GILLESPIE.

Until June 18:

Mr. MINOR with Mr. SULZER.

For this day:

Mr. SHARTEL with Mr. VAN DUZER.

Mr. ROBERTS with Mr. WEISSE.

Mr. WADSWORTH with Mr. LAMB.

Mr. WM. ALDEN SMITH with Mr. UNDERWOOD.

Mr. PEARRE with Mr. SOUTHAL.

Mr. PALMER with Mr. SHACKLEFORD.

Mr. OLCOTT with Mr. RIXEY.

Mr. MOON of Pennsylvania with Mr. REID.

Mr. MONDELL with Mr. RANDELL of Texas.

Mr. MCCREARY of Pennsylvania with Mr. PATTERSON of Tennessee.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. LOUD with Mr. McLAIN.

Mr. LITTAUER with Mr. TOWNE.

Mr. LILLEY of Connecticut with Mr. McDERMOTT.

Mr. CHARLES B. LANDIS with Mr. LIVINGSTON.

Mr. KETCHAM with Mr. LEWIS.

Mr. HULL with Mr. HEARST.

Mr. HUGHES with Mr. LESTER.

Mr. HAUGEN with Mr. LAMAR.

Mr. GARDNER of Massachusetts with Mr. HAY.

Mr. FULLER with Mr. FLOOD.

Mr. CASSELL with Mr. FITZGERALD.

Mr. CALDERHEAD with Mr. COCKRAN.

Mr. CALDER with Mr. FIELD.

Mr. BURLEIGH with Mr. BYRD.

Mr. BROWN with Mr. BROUSSARD.

Mr. BRICK with Mr. BOWERS.

Mr. BLACKBURN with Mr. SMALL.

Mr. BINGHAM with Mr. LINDSAY.

Mr. BEIDLER with Mr. BELL of Georgia.

Mr. GILLET of Massachusetts with Mr. KELIHER.

Mr. FASSETT with Mr. SMITH of Maryland.

Mr. SCHNEEBEL with Mr. PATTERSON of Tennessee.

Mr. GRONNA with Mr. GARBER.

Mr. BOWERSOCK with Mr. GOLDFOGLE.

Mr. ACHESON with Mr. ROBINSON of Arkansas.

Mr. MUDD with Mr. JAMES.

Mr. WACHTER with Mr. RHINOCK.

Mr. BURTON of Delaware with Mr. GILL.

Mr. DICKSON of Illinois with Mr. BURNETT.

For this day:

Mr. LAW with Mr. WOOD of Missouri.

Mr. DALZELL with Mr. WILLIAMS.

Mr. LAWRENCE with Mr. GRIGGS.

Mr. WILLIAMS. Mr. Speaker, I desire, if it be in accord-

ance with the rules of the House, to have my vote recorded in the negative. I will state that I was in the Committee on Rules, at the invitation of the Speaker, at the time.

The SPEAKER. The gentleman is correct about that. He was engaged as a member of the Committee on Rules, in session during the roll call, and could not be present in the House; but that does not bring the gentleman within the rule. The Chair would be glad to pair with the gentleman. [Laughter.]

The result of the vote was then announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I move to recommit the bill, and on that I demand the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit the bill.

The question was taken; and the motion was not agreed to.

The bill was passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a report on the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, to be printed in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

SEALER AND ASSISTANT SEALER OF WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, with Senate amendments.

The Senate amendments were read.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

LIFE-SAVING STATION AT SOUTH KINGSTON, L. I.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 280) to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be established a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time; and it was read the third time, and passed.

BRIDGE ACROSS SUNFLOWER RIVER, MISSISSIPPI.

Mr. HUMPRHEYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of supervisors of Sunflower County, Miss., be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Sunflower River, at Lehrton, in Sunflower County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

PURCHASE OF MATERIALS FOR USE IN CONSTRUCTION OF THE PANAMA CANAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules; and I ask the Clerk to read Senate resolution referred to.

The Clerk read as follows:

Resolved, That immediately on the adoption of this resolution, it shall be in order to consider Senate resolution No. 60, and immediately to take a vote on the third reading and passage of said resolution without delay, intervening motion, or appeal.

Senate resolution No. 60.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 70.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 66, answered "present" 11, not voting 156, as follows:

YEAS—147.

Adams	Dawes	Howell, Utah	Payne
Alexander	Dawson	Huff	Prince
Allen, Me.	Denby	Humphrey, Wash.	Reeder
Allen, N. J.	Dixon, Mont.	Jenkins	Rhodes
Ames	Draper	Jones, Wash.	Rives
Andrus	Driscoll	Kahn, Wash.	Rodenberg
Bannon	Dunwell	Kelfer	Samuel
Bates	Dwight	Kennedy, Nebr.	Scott
Bede	Ellis	Kennedy, Ohio	Scroggy
Bennet, N. Y.	Esch	Kinkaid	Sibley
Bennett, Ky.	Fletcher	Klepper	Smith, Cal.
Birdsall	Foss	Knowland	Smith, Iowa
Bishop	Foster, Ind.	Lacey	Smith, Samuel W.
Bonyunge	Foster, Vt.	Landis, Frederick	Smith, Pa.
Boutell	French	Lawrence	Southard
Brownlow	Fulkerson	Littlefield	Southwick
Buckman	Gaines, W. Va.	Loud	Sperry
Burke, S. Dak.	Gardner, Mich.	Loudenslager	Stafford
Butler, Pa.	Gardner, N. J.	McCarthy	Steenserson
Calderhead	Gilbert, Ind.	McCleary, Minn.	Sterling
Campbell, Kans.	Gillett, Cal.	McKinlay, Cal.	Sulloway
Campbell, Ohio	Goebel	McKinley, Ill.	Tawney
Capron	Grosvenor	McKinney	Taylor, Ohio
Chaney	Hale	McLachlan	Thomas, Ohio
Chapman	Haugen	McMorran	Tirrell
Cole	Hayes	Madden	Townsend
Cooper, Pa.	Hedge	Mahon	Tyndall
Cooper, Wis.	Henry, Conn.	Mann	Waldo
Cousins	Hepburn	Martin	Wanger
Crumpacker	Hermann	Miller	Watson
Currier	Higgins	Murdock	Weems
Curtis	Hill, Conn.	Needham	Wharton
Dale	Hinshaw	Nevin	Wiley, N. J.
Dalzell	Hoar	Olmsted	Wilson
Darragh	Hogg	Otjen	Wood, N. J.
Davidson	Howell, N. J.	Overstreet	Woodyard
Davis, Minn.		Parker	

NAYS—66.

Adamson	Davis, W. Va.	Lloyd	Sims
Aiken	De Armond	McNary	Slayden
Bankhead	Dixon, Ind.	Macon	Smith, Ky.
Bartlett	Ellerbe	Meyer	Smith, Tex.
Beall, Tex.	Finley	Moon, Tenn.	Spight
Bowie	Floyd	Moore	Sullivan, Mass.
Brantley	Garner	Murphy	Talbot
Brooks, Tex.	Granger	Padgett	Taylor, Ala.
Brundidge	Hardwick	Patterson, S. C.	Thomas, N. C.
Burgess	Heflin	Pou	Trimble
Burleson	Henry, Tex.	Rainey	Wallace
Butler, Tenn.	Houston	Richardson, Ala.	Watkins
Candler	Howard	Richardson, Ky.	Webb
Clark, Fla.	Johnson	Rucker	Williams
Clark, Mo.	Jones, Va.	Ryan	Zenor
Clayton	Kitchin, Wm. W.	Sheppard	
Davey, La.	Lee	Sherley	

ANSWERED "PRESENT"—11.

Gillespie	Humphreys, Miss.	Patterson, N. C.	Sparkman
Gregg	Lever	Powers	Weeks
Holliday	Mouser	Siemp	

NOT VOTING—156.

Acheson	Fowler	Law	Reid
Babcock	Fuller	Le Fevre	Reynolds
Barchfield	Gaines, Tenn.	Legare	Rhinoock
Bartholdt	Garber	Lester	Rixey
Beidler	Gardner, Mass.	Lewis	Roberts
Bell, Ga.	Garrett	Lilley, Conn.	Robertson, La.
Bingham	Gilbert, Ky.	Lilley, Pa.	Robinson, Ark.
Blackburn	Gill	Lindsay	Ruppert
Bowers	Gillett, Mass.	Littauer	Russell
Bowersock	Glass	Little	Schneebell
Bradley	Goldfogle	Livingston	Shackelford
Brick	Goulden	Longworth	Shartel
Brooks, Colo.	Graham	Lorimer	Sherman
Broussard	Greene	Lovering	Small
Brown	Griggs	McCall	Smith, Ill.
Burke, Pa.	Gronna	McCreary, Pa.	Smith, Md.
Burleigh	Gudger	McDermott	Smith, Wm. Alden
Burnett	Hamilton	McGavin	Smyser
Burton, Del.	Haskins	McLain	Snapp
Burton, Ohio	Hay	Marshall	Southall
Byrd	Hearst	Maynard	Stanley
Calder	Hill, Miss.	Michalek	Stephens, Tex.
Cassel	Hitt	Minor	Stevens, Minn.
Cockran	Hopkins	Mondell	Sullivan, N. Y.
Cocks	Hubbard	Moon, Pa.	Sulzer
Conner	Hughes	Morrell	Towne
Cromer	Hull	Mudd	Underwood
Cushman	Hunt	Norris	Van Duzer
Deemer	James	Olcott	Vann Winkle
Dickson, Ill.	Kellher	Page	Volstead
Dovener	Ketcham	Palmer	Vreeland
Dresser	Kitchin, Claude	Parsons	Wachter
Edwards	Kline	Patterson, Tenn.	Wadsworth
Fassett	Knapp	Pearre	Webber
Field	Knopf	Perkins	Weisse
Fitzgerald	Lafean	Pollard	Welborn
Flack	Lamar	Pujo	Wiley, Ala.
Flood	Lamb	Randell, Tex.	Wood, Mo.
Fordney	Landis, Chas. B.	Ransdell, La.	Young

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. REYNOLDS with Mr. HUNT.

Mr. SMITH of Illinois with Mr. LAMAR.

Mr. GARDNER of Michigan with Mr. RUSSELL.

Mr. BARTHOLDT with Mr. GRIGGS.

Mr. BROOKS of Colorado with Mr. McLAIN.

Mr. BABCOCK with Mr. PUJO.

For the vote:

Mr. BURTON of Ohio with Mr. HUMPHREYS of Mississippi.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TOWNSEND). The gentleman from Pennsylvania [Mr. DALZELL] is recognized for twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is recognized for twenty minutes.

Mr. DALZELL. Mr. Speaker, on the second day of the present month the Senate passed a resolution providing for the purchase of material and equipment for use in the Panama Canal. That resolution is in the following words:

That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

That resolution was sent to the House and was referred to the Committee on Ways and Means. It was reported favorably by that committee, and is now before the House by virtue of the rule under which the previous question has already been adopted. So far as the merits of the proposition are concerned, they were debated at some considerable length yesterday, and they have been debated at some length again to-day. The committee was of opinion, therefore, that the time allowed under the rules of the House for the adoption of this rule—twenty minutes on each side—was sufficient debate to be allowed.

I confess, Mr. Speaker, I find it difficult to make any argument in favor of this proposition which is in any degree stronger than the language of the proposition itself. The proposition is that the American people engaged in a great enterprise shall buy their supplies in the American market from their own people in free competition whenever the prices for those supplies are not unreasonable or extortionate. Why we should not do so I am at a loss to know. If the carrying on of this great enterprise that is to involve so many millions of dollars and consume so long a time is to open a great market, that market ought to belong, naturally does belong, to the American people. If by reason of our system supplies of any kind are somewhat higher in our market than they are abroad, they are higher because of the higher wage rate in the American market, and it seems to me that it would be suicidal legislation that would undertake to take away from the American wage-earner the right, the privilege that he already enjoys under our system. I submit, therefore, that this proposition is an American proposition, and ought to be sustained by every loyal American citizen. [Applause on the Republican side.]

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield ten minutes, or such part of that as he may desire, to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] thinks that a very liberal amount of discussion has already taken place upon this most important subject. Incidentally a few Members yesterday and incidentally a few Members to-day for a short time, in the aggregate I think not equalling sixty minutes, talked about this general subject. How many millions or tens of millions, perhaps even a hundred millions of dollars are involved in it no man knows and no man can say.

Everybody ought to appreciate the fact that in engaging to construct this Panama Canal we have a great undertaking upon our hands. Nobody knows how long the work will last, nobody knows how much it will cost. All must know that there will be a considerable consumption of time running into years and years, and all can know that there will be hundreds of millions of dollars expended. Every dollar will come out of American citizenship, "American labor," even to use the term employed so affectionately by the gentleman here, so far as lip service is concerned, and treated with such contempt, so far as action goes.

It would seem, in a general way, that in providing for this work we ought to endeavor to arrange to do it as cheaply as in decency we can do it. That seems to be no more and no less than is due to the American taxpayer, the American citizen, the American laborer. The burden will be heavy enough at best. It threatens to become excessively heavy unless good management, good judgment, economy, and honesty are exercised throughout. It is even possible, great as this nation is and mighty as are its resources, that at no distant day, and

long before this great work is completed, the American people may consider seriously the question of whether they had not better delay a while, in view of enormous expenditures, and let the completion of the work await a time when we shall be even more powerful, and when the contribution can be made with less tax upon the energy and the substance of the American people. I hope no such time ever will come. I hope there may be no halt in the work and that the burden may not become at any time too grievous to be borne by this mighty people.

But no one has any assurance that it may not be so. And no one who has regard for the interests that we have at stake at home or in Panama, no one who desires honestly and earnestly the speedy completion of the great canal, or who has any respect for the rights of the American people can approach this question, it seems to me, without a sense of gravity on account of its vast importance. Then why is it that this resolution is to be hurried through the House, under whip and spur, without consideration, with a contemptuous disregard for the duty of consideration, with an absolute and complete denial of all opportunity for considerations? What is it that this proposition involves? As things are now, the American President and the American Secretary of War and the American Canal Commission—every one of them—like all the other people of this land, of every party, are disposed to buy of American manufacturers and from American bidders, as you would do, Mr. Speaker, and I would do, and as every man here would do, and all of our constituents would do, following the common, everyday experience, when the purchase can be made upon as good terms here as can be obtained elsewhere. You and I prefer to buy from the home merchants, but we expect them to give us practically as good terms as they give in the more distant trade centers.

As things are now, everything will be bought from the American manufacturer unless it ought not to be bought from him; unless the Commission, disposed to buy from him, out of a sense of duty to the people of the United States, and zealous for the successful completion of this great undertaking, deliberately decide against their own inclination, that it ought not to be done. There is no need of protection in this direction. There is no need of an admonition to buy from Americans. Everything will be bought of American manufacturers without legislation that ought to be bought of them at all, as ninety-nine per cent of all canal supplies have thus far been bought from them.

What, then, is the object of this resolution to hamper the President, the Secretary of War, the Canal Commission—everybody who has anything to do with this matter—by virtue of which they will be under a degree of compulsion to buy from the American manufacturer at the American manufacturer's prices, with very little regard to what prices are elsewhere or what necessary supplies might be bought for elsewhere? Look how it will work, practically. Often it is necessary to make a purchase perhaps in an emergency; to make it quickly. There is an absolute compulsion, if this resolution be passed, to buy from the American manufacturer at the American home price, no matter how extortionate or how unreasonable it may be, unless the whole matter can be delayed and the President consulted, the whole facts laid before him, and the President shall direct a different course.

Now, how unbusinesslike that is, how unfair it is, how badly it certainly will work in practical operation and enforcement. Buy at the American price, however unreasonable, however extortionate, unless the matter be deemed of sufficient consequence and importance, and there be sufficient time without too great incidental loss in the delay involved to lay it before the President, make the President acquainted with the details, and have him pass upon it! No escape from extortion, from outrage, from robbery, provided that extortion, that outrage, and that robbery be projected and attempted by the American manufacturer, except through an appeal to the President in every particular instance! Ingenuity could not devise anything more thoroughly calculated to build up and foster trusts, or better calculated to beat down and injure labor and all the taxpaying people. And yet gentlemen talk about American wages and American labor and buying American supplies to complete this great American work! In the name of labor, I protest against such a perversion, such an outrage upon American labor!

Here, for instance, in the letter of the Secretary of War, is submitted a proposition whether two Scotch dredges shall be bought at a saving of over \$70,000, or whether two American dredges shall be bought at a loss of over \$70,000. Gentlemen who favor buying the two American dredges say, in effect: "Throw away \$70,000 of the people's money, because American

labor, forsooth, gets the advantage of it." Not a solitary penny of it goes to American labor; there is not the slightest increase in the wages of American labor; there is not a solitary advantage to American labor. The advantage is to the American monopolist alone, alone.

Now, all that we ask—and that is the law to-day—is that they may hold up against the greed and extortion of the American manufacturer the possibility and honest intention of buying things elsewhere at decent prices, if necessary. All that need be asked is that the American sell to the United States as cheap as he would sell to Colombia or Panama or Great Britain or all or any of the powers of darkness, if you please, if engaged in the construction of this Panama Canal. That is denied in the resolution of the Senate, which this rule is to drive through the House in flippant haste. American labor ought to rise and scorn, I will not say such hypocrisy, but this abuse of its rights and this presumption upon its assumed ignorance. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DALZELL] has seventeen minutes remaining and the gentleman from Mississippi [Mr. WILLIAMS] ten minutes.

Mr. DALZELL. I yield so much of that seventeen minutes as he may desire to the gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means.

Mr. PAYNE. Under the present law the engineering department of the War Department, in its invitation for bids, puts in these general instructions to bidders:

Second. Preference shall be given to articles or materials of domestic production, conditions of quality and price being equal, and including in the price of foreign articles the duty thereon.

Ever since the tariff law of 1897, as expressed in that law, articles imported into the United States and used by the Government pay the same duty as articles imported into the United States and used by individuals. In other words, bidders in foreign countries bidding against our own people have to take into consideration and pay the tariff duty on those articles in order to get them into the United States. And this is exactly right, because we want to provide, so far as we can, for the labor of our own people by suitable legislation. We want to encourage manufacture in the United States. We want to benefit and not destroy, as the gentleman from Missouri [Mr. DE ARMOND] says, the laboring people of the United States. It is the American idea—the protective idea—and sometimes called the "robber tariff" idea by gentlemen who either are careless as to the use of language or do not understand the workings and the benefit of the tariff law. But a protective tariff is the idea of the American people and the policy adopted by the American people.

Now, when we come to purchase supplies to be used in the Canal Zone, by the treaty with Panama we take all articles from abroad into that Zone free of duty, so that when any American wishes to bid on supplies to go into that Zone, he is brought into the open market without any tariff either way, and into competition with the nations of the earth. We who believe in the American idea can not hesitate to pass such a joint resolution as this, because we are spending American money building, as was said the other day, for the benefit of the world, this great canal, and it is fitting that all supplies to be used there should be bought in the United States, if they can be bought at a reasonable price compared with that of foreign countries. This resolution does not say that all articles must be bought in the United States or shall be of American manufacture, but that we should go into open competition in the market, and if the price is not extortionate or unreasonable compared with the other bids, we shall buy in the United States. It prevents any "hold up" on the part of the American manufacturers, if such a thing is possible. It preserves competition. It gives us a reasonable price and gives an American market for American goods.

The gentleman from Missouri [Mr. DE ARMOND] is disturbed because the construction of this canal involves the expenditure of millions of dollars. Well, those millions have been largely expended now for the purpose of buying tools and materials and building the railroad which it was necessary to build. The bulk of the expenditures for this purpose have already been made, and under open bids, and a very small fraction of the articles bought has been bought abroad. They have been bought in the United States. But under the law as it is to-day it is the duty of the President to take into consideration the difference in price and buy the goods where he can buy them the cheapest, without regard to the benefit accruing to American labor or protection to American labor. This resolution gives him a discretion when the prices are reasonable or are not ex-

tionate. It gives the benefit to the American laborer and to the American people, and that is all there is in this resolution. It ought to be passed. The policy ought to be determined by Congress. The President has invited, by his communication to Congress, the determination of this question for his future guidance. Therefore I hope to see the resolution pass, and pass promptly. [Applause on the Republican side.]

Mr. WILLIAMS. I will ask the gentleman from Pennsylvania if he intends to conclude in one speech?

Mr. DALZELL. I think I have used as much time as the other side.

The SPEAKER pro tempore. The gentleman from Pennsylvania has eleven minutes and the gentleman from Mississippi ten minutes.

Mr. WILLIAMS. My question was whether the gentleman intended to conclude in one speech. I admit his right to conclude in one speech, but not in two speeches.

Mr. DALZELL. There will only be one speech on this side.

Mr. WILLIAMS. Mr. Speaker, it is seldom that the Republican party even has done a bolder or a hastier thing than this. A moment or two ago we were called out of the room, those of us who are members of the Committee on Rules, in hot haste, during a roll call, in order that this outrage on succeeding generations might be perpetrated by this House while it was in the mood to perpetrate it. I say upon succeeding generations, because succeeding generations must pay for this canal as well as ourselves. This is but another illustration of the fact that when tariff barons become tariff beggars for some favoritism, everything else must give way. I want the House at least to consider what it is invited to do. This is the resolution that you are invited to adopt without discussion and without amendment; without discussion substantially and actually without any amendment:

That purchases for the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder unless the President shall in any case deem the bids or tenders therefor to be—

Higher than other bids or tenders? No. As high as the same people charge foreigners? No—to be extortionate or unreasonable.

Extortionate quo ad what; unreasonable quo ad what?

How is the President going to determine whether they be "extortionate" or "unreasonable," except by comparison with other bids; and he is forbidden to take bids from anybody else except from the domestic producer. "The lowest responsible bidder" and all other bidders are "bidders of domestic production and manufacture." Then it follows that it is to be "extortionate or unreasonable," in view of other prices charged by our manufacturers to our own people in the home market. "Extortionate" in comparison with them; when they are already extortionate for all of us, as we all know.

Why do gentlemen desire to change the existing law? Why is this legislation here except for the purpose of changing the existing law? Who will furnish supplies down there as "domestic producers?" The United States Steel Association; the great cement trust, and all the balance of these great combinations, every one of them having two distinct prices, of which one is for the domestic consumer, including their own Government, and another for the foreign consumer, including foreign governments. [Applause on the Democratic side.]

We can not, under this rule, amend this resolution. If we could amend it, I had desired first to offer the following amendment. Were it in order now I would offer this amendment to report as a substitute for S. R. 60, the resolution which I just read, the following:

That purchases for material for the use of the Panama canal shall continue to be made as they are now made under existing law and regulations of the Canal Commission.

Now, what is present law and practice? Why, the practice has been to buy from American manufacturers and producers, but to make them sell at their export prices. [Applause on the Democratic side.] That is the existing law; that is the existing practice; and the Government and Commission should go on doing what they have been doing. Now, if this Senate resolution be adopted, prices in order to be declined are to be "extortionate," are to be "unreasonable" in comparison with what? Other bidders. Prices charged by these manufacturers to the home consumers in the American market.

Then I would have liked to offer this amendment:

Unless the President shall deem bids and tenders therefor—

That is the language of the resolution, which concludes: to be extortionate or unreasonable.

I want to strike out the words "extortionate or unreasonable" and substitute these words:

To be the lowest bid made for the same goods to be delivered at the same point of delivery at the same time.

Then I wanted, if that had been voted down, to offer this: To strike out the language and insert, so as to read:

Unless the President shall deem these bids and tenders to be higher than the contemporaneous export prices of the manufacturer or producer bidding to sell goods to the Panama Commission or to the Panama Railway.

I suppose that I would not be violating any confidence to say that these three amendments were actually offered in the Committee on Rules, and there voted down by the Republican members.

Now, Mr. Speaker, let us think about what we are doing. What is the existing law? "To build this great work as cheaply" as the Commission can. Aye, you all say build it as cheaply as you can, with one exception—that it must not result in any loss of profit to the great trusts and combinations—your campaign-fund providers. If I offer an amendment cheapening the process of construction in any other respect, I could get some willing ears on that side of the Chamber, but when I offer any proposition that involves, as this does, a diminution of the present extortionate profits of the American manufacturers, proven to be extortionate by the fact that they charge other and lower profits in foreign markets, then the whole Republican party, as organized in this House, but not, I hope, as it is organized in this country, cries "No; no. You must not touch the men who contribute our campaign funds." [Applause on the Democratic side.]

You never did a bolder thing; you never did a hastier thing, and you never did a thing in all your lives for which swifter and greater retribution is to come than for this very thing you are doing to-day. [Applause on the Democratic side.] Talk about American labor! Who is there with a particle of common sense upon this floor, on either side of this Chamber, who believes that if this Commission continues to buy these materials, supplies, and equipments in exactly the way they are buying them now, one dollar less will upon that account be paid to one single American laborer, from the Great Lakes to the Gulf of Mexico? Is there one of you with little enough brains to believe that? Is there one of you with so little brains that you believe that a single American laborer will be paid one cent per month, per week, or per day more after the passage of this resolution than before its passage? It is "the great American trust," not the great American laborer. It is the great American campaign contributor, not the great American wage-earner, that you are trying to take care of, and you know it. [Applause on the Democratic side.]

Labor! What have you done for American labor on the Isthmus itself? Why, it is alien labor that is building the canal, and, by your own laws, building it under alien hours of labor. The gentleman calls the canal a "great American work." You are about to make it a great plaything for the enrichment of great plutocrats and trust magnates and unjust and unpatriotic extortioners. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. I yield the remainder of the time on this side to the gentleman from Ohio [Mr. Grosvenor].

Mr. GROSVENOR. Mr. Speaker, the great question addressed to American statesmanship to-day in this country is the question of markets for the surplus products of American labor. There has been no act of political acumen that the genius of the Democratic party to do evil could devise during the last twenty-five years that it has not devised and carried into execution to strangle and destroy and impoverish American labor. [Applause on the Republican side.] And the evidence that it was evil is in the fact that labor always suffers when the Democratic party is in power. There has been no effort spared by the Republican party in the last twenty-five years that genius and patriotism and Americanism and Republicanism could devise to enhance the value of American labor that has not been done by that party, and the genius has been manifested in the success of its efforts. [Applause on the Republican side.] So much for that. Trusts may have grown up—

Mr. RUCKER. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. No; not now. This is not that kind of a debate.

Mr. RUCKER. It is on the very matter you just referred to, relating to the wages of American labor.

I only wanted to suggest that under the policies of your party manufacturers paid wage-earners in 1900 nearly \$37,000,000 less than the same number of laborers would have received in 1890 under the wage rate then in force.

Mr. GROSVENOR. I am neither able to hear what the gentleman says, nor—

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. Mr. Speaker, the gentleman from Missis-

Mississippi misinterprets the resolution pending before the House. He stated, as I understood him—and I am quite sure I did understand him, for he spoke very plainly—that while the President was authorized to demand that the proposals for the sales to the Commission should not be extortionate or unjust, yet he was deprived of the opportunity to test competition in the markets of the country.

Mr. WILLIAMS. In the markets of the world.

Mr. GROSVENOR. In the markets of the world, I mean. Now, the provision of the resolution is exactly the reverse of the gentleman's proposition. Here is the language of the resolution:

The purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

So that when the Commission seeks to enter the markets of the world or the markets of the United States for tenders of supplies of any character, bids from all the world may be received under this proposition, and the test of whether any bid is extortionate or unreasonable will be furnished by the tenders and bids themselves. So that the whole proposition of the gentleman, which he built up on the structure I have indicated, falls absolutely to the ground. [Applause on the Republican side.]

Now, it is the purpose of the Republican party to do all that in its power lies to furnish to the labor and industry of this country a market for its production. That is the purpose of this legislation. It is the opinion of the Congress of the United States, not in a peremptory and controlling sense, but in a proposition that is suggestive and persuasive to the authorities that are buying these materials, that they ought to be bought from the American producer.

Why, Mr. Speaker, in every little town, in every county, in every city of the United States the popular demand goes up always to every purchasing board of trustees, to every municipal corporation or any other corporation engaged in building, and to the private consumer of the commodities that we all require—the appeal goes up from popular demand that the domestic producer, the man who produces nearest the consumer, shall have the opportunity to compete upon fair terms, and if he does succeed he shall have the market for the production. [Applause.] That is the true American policy, and that is the policy of this resolution. It has been discussed here for a day or two, more or less, and we all understand it. It binds this Government to the expenditure of not one extortionate dollar. It compels this Government to no contract that it can get a better proposition for from some place else, if the home demand be not unreasonable.

Mr. DE ARMOND. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. DE ARMOND. Is the gentleman in favor of buying Scotch dredges at \$654,000 or American dredges at \$724,850?

Mr. GROSVENOR. I have had some knowledge of dredge-buying business.

Mr. DE ARMOND. That is the reason that I thought the gentleman could answer.

Mr. GROSVENOR. I can answer, and I am in favor of offering the Scotchman in the Clyde and the American in New York the proposition to build the dredges on plans required, whatever they may be; and I will say that from my information, drawn from the testimony before the committee, that the American dredge maker will get the contract on terms equally favorable to the American people. There is nothing in the gentleman's proposition if he will investigate it.

Mr. DE ARMOND. But which one would the gentleman buy?

Mr. GROSVENOR. If I believed that the American dredge maker offered his production at a fair price, and it was to be strictly of American labor out of American material, I would buy the American dredge. [Applause on the Republican side.] The difficulty about the position of the gentleman from Missouri is this: He takes the ground that the Government ought to be careful and look out and skin down to the lowest possible production. Our proposition is that we should consider all the time the benefits to flow to the American mechanic, the American laborer, and the American producer of material. [Applause on the Republican side.]

Mr. DE ARMOND. I have another question which I would like to ask the gentleman, and that is whether this really is not designed to bring in that condition of things when there will be a compulsion to buy just as the gentleman says he would buy the dredge costing \$724,850, instead of \$654,000.

Mr. GROSVENOR. When there is such compulsion, the American Congress has intelligence enough to repeal that resolution. I do not believe that such a condition will ever happen.

Now let me go on, for I have but little time left. The gentleman from Mississippi threatens the Republican side of this House with retribution. Well, I have read somewhere that vengeance was not located in the possession of the gentleman from Mississippi. [Laughter and applause on the Republican side.] Nor is retribution. But we have heard this before. I heard it twenty years ago, and I have heard it on each recurring biennial election as we were approaching the period of nominations and elections. From that side of the House I have heard that same old song. It used to give me some alarm; it used to give me some sleepless hours.

"Retribution! The people are going to rise and sweep the Republicans away. The people are going to take vengeance and retribution upon the Republican side." Well, they did deal out a little retribution on us in the Fifty-third Congress, but six more Congresses have rolled around and retribution seems to have been suspended all that time. [Laughter on the Republican side.] And with that prophetic declaration, that prophetic utterance on that side of the House, the terrible forebodings upon that side of the House have never ceased and are dragged out now in the same old tune and the same old strain. They are not coming so much from the people. There was not any retribution on the Republican party the other day when two Representatives of Congress from the State of Oregon were elected by 15,000 majority [applause on the Republican side] in a State that has since I have been a Member of Congress elected one or more Democrats to sit on the floor of Congress. I do not see any signs of retribution, and now at a time when we are exporting more goods to foreign markets, when we are paying higher wages to laborers producing them, it is not the time for us to be frightened at the prophecy of the owl or the croaking of the raven of despair. [Laughter and applause on the Republican side.]

The SPEAKER pro tempore (Mr. TOWNSEND). The question is on agreeing to the resolution.

The question was being taken,

Mr. DALZELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 83, answered "present" 11, not voting 148, as follows:

YEAS—138.

Allen, Me.	Davidson	Huff	Overstreet
Allen, N. J.	Dawes	Humphrey, Wash.	Parker
Ames	Denby	Jenkins	Payne
Andrus	Dixon, Mont.	Jones, Wash.	Reeder
Bannon	Draper	Kahn	Rhodes
Barnfield	Driscoll	Keifer	Rives
Bartholdt	Dunwell	Kennedy, Nebr.	Rodenberg
Bates	Dwight	Kinkaid	Samuel
Bede	Ellis	Klepper	Scroggy
Bennet, N. Y.	Esch	Knowland	Sibley
Bennet, Ky.	Fletcher	Lacey	Smith, Cal.
Bishop	Foss	Landis, Frederick	Smith, Iowa
Bonyng	Foster, Ind.	Lawrence	Smith, Samuel W.
Boutell	Foster, Vt.	Littlefield	Smith, Pa.
Brownlow	French	Loud	Snapp
Buckman	Gaines, W. Va.	Loudenslager	Southard
Burke, S. Dak.	Gardner, Mich.	McCleary, Minn.	Southwick
Butler, Pa.	Gardner, N. J.	McCreary, Pa.	Sperry
Calderhead	Gilbert, Ind.	McKinlay, Cal.	Sterling
Campbell, Ohio	Gillett, Cal.	McKinley, Ill.	Sullivan
Capron	Goebel	McKinney	Tawney
Chaney	Graft	McLachlan	Taylor, Ohio
Chapman	Grosvenor	McMorrin	Thomas, Ohio
Cocks	Hale	Madden	Tirrell
Cole	Hamilton	Mahon	Townsend
Cooper, Pa.	Hayes	Marshall	Tyndall
Cooper, Wis.	Henry, Conn.	Martin	Waldo
Cousins	Hepburn	Michalek	Wanger
Cromer	Hermann	Miller	Weems
Crumpacker	Higgins	Mondell	Wharton
Currier	Hill, Conn.	Mouser	Wiley, N. J.
Curtis	Hoar	Needham	Wilson
Cushman	Hogg	Nevin	Woodyard
Dale	Howell, N. J.	Olmsted	
Dalzell	Howell, Utah	Otjen	

NAYS—83.

Adamson	Davis, W. Va.	McCarthy	Rucker
Aiken	De Armond	McLain	Sheppard
Bankhead	Dixon, Ind.	McNary	Sherley
Bartlett	Ellerbe	Macon	Sims
Beall, Tex.	Finley	Mann	Slayden
Bell, Ga.	Floyd	Meyer	Smith, Ky.
Birdsall	Fulkerson	Moore, Tenn.	Smith, Tex.
Bowie	Garner	Moore	Spight
Brantley	Granger	Murdoch	Stafford
Broocks, Tex.	Hardwick	Murphy	Steenerson
Brundidge	Heflin	Norris	Stevens, Minn.
Burgess	Henry, Tex.	Padgett	Sullivan, Mass.
Burleson	Houston	Patterson, S. C.	Thomas, N. C.
Burton, Ohio	Howard	Perkins	Trimble
Butler, Tenn.	Hubbard	Pollard	Volstead
Candler	Humphreys, Miss.	Poy	Wallace
Clark, Fla.	Johnson	Pujo	Watkins
Clark, Mo.	Jones, Va.	Ralney	Webb
Clayton	Kitchin, Wm. W.	Ransdell, La.	Williams
Darragh	Lee	Richardson, Ala.	Zenor
Davis, Minn.	Lloyd	Richardson, Ky.	

ANSWERED "PRESENT"—11.
Burton, Del. Gregg
Davey, La. Hinshaw
Gillespie Holliday

Sparkman
Weeks

NOT VOTING—148.

Acheson	Garber	Legare	Ryan
Adams	Gardner, Mass.	Lester	Schneebell
Alexander	Garrett	Lewis	Scott
Babcock	Gilbert, Ky.	Lilley, Conn.	Shackleford
Beidler	Gill	Lilley, Pa.	Shartel
Bingham	Gillett, Mass.	Lindsay	Sherman
Blackburn	Glass	Littauer	Slemp
Bowers	Goldfogle	Little	Small
Bowersock	Goulden	Livingston	Smith, Ill.
Bradley	Graham	Longworth	Smith, Md.
Brick	Greene	Lorimer	Smith, Wm. Alden
Brooks, Colo.	Griggs	Lovering	Smyser
Broussard	Gronna	McCall	Southall
Brown	Gudger	McDermott	Stanley
Burke, Pa.	Haskins	McGavin	Stephens, Tex.
Burleigh	Haugen	Maynard	Sullivan, N. Y.
Burnett	Hay	Minor	Sulzer
Byrd	Hearst	Moon, Pa.	Talbott
Calder	Hedge	Morrell	Taylor, Ala.
Campbell, Kans.	Hill, Miss.	Mudd	Towne
Cassel	Hitt	Olcott	Underwood
Cockran	Hopkins	Page	Van Duzer
Conner	Hughes	Palmer	Van Winkle
Dawson	Hull	Parsons	Vreeland
Deemer	Hunt	Patterson, Tenn.	Wachter
Dickson, Ill.	James	Pearre	Wadsworth
Dovener	Kelliher	Powers	Watson
Dresser	Kennedy, Ohio	Prince	Webber
Edwards	Ketcham	Randell, Tex.	Weisse
Fassett	Kitchin, Claude	Reid	Welborn
Field	Kline	Reynolds	Wiley, Ala.
Fitzgerald	Knapp	Rhinock	Wood, Mo.
Flack	Knopf	Rixey	Wood, N. J.
Flood	Lafean	Roberts	Young
Fordney	Lamar	Robertson, La.	
Fowler	Lamb	Robinson, Ark.	
Fuller	Landis, Chas. B.	Ruppert	
Gaines, Tenn.	Law	Russell	

So the resolution was adopted.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. VAN WINKLE with Mr. GARRETT.

Mr. ALEXANDER with Mr. RYAN.

Mr. CAMPBELL of Kansas with Mr. DAVEY of Louisiana.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time; and it was read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. I demand a division, and to save the time of the House, I shall ask now for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 82, answered "present" 9, not voting 160, as follows:

YEAS—129.

Adams	Cushman	Hermann	Mahon
Allen, Me.	Dale	Higgins	Marshall
Allen, N. J.	Dalzell	Hill, Conn.	Martin
Andrus	Davidson	Hoar	Michalek
Bannon	Dawes	Hogg	Miller
Barchfeld	Denby	Howell, N. J.	Mondell
Bartholdt	Dixon, Mont.	Huff	Mouser
Bates	Draper	Humphrey, Wash.	Needham
Bede	Driscoll	Jenkins	Nevin
Bennet, N. Y.	Dunwell	Jones, Wash.	Olmsted
Bennett, Ky.	Dwight	Kahn	Otjen
Bishop	Ellis	Kelfer	Overstreet
Bonyage	Fletcher	Kennedy, Nebr.	Payne
Boutell	Foss	Kinkaid	Reader
Brownlow	Foster, Ind.	Klepper	Rhodes
Burke, S. Dak.	Foster, Vt.	Knowland	Rives
Butler, Pa.	French	Lacey	Rodenberg
Calderhead	Gaines, W. Va.	Landis, Frederick	Scroggy
Capron	Gardner, Mass.	Lawrence	Sibley
Chaney	Gardner, Mich.	Loud	Smith, Cal.
Chapman	Gardner, N. J.	Loudenslager	Smith, Iowa
Cocks	Goebel	McCleary, Minn.	Smith, Samuel W.
Cole	Graff	McCreary, Pa.	Smyser
Cooper, Pa.	Grosvenor	McKinley, Cal.	Snapp
Cooper, Wis.	Hale	McKinney, Ill.	Southard
Cousins	Hamilton	McLachlan	Sperry
Cromer	Hayes	McMorran	Sterling
Currier	Henry, Conn.	Madden	Sulloway
Curtis	Hepburn		

Taylor, Ohio
Thomas, Ohio
Tirrell
Townsend

Waldo
Wanger
Watson
Weems

Wharton
Wiley, N. J.
Wilson
Wood, N. J.

Woodyard

NAYS—82.

Adamson	Davis, Minn.	Lee	Russell
Aiken	Davis, W. Va.	Lloyd	Sheppard
Bankhead	De Armond	McCarthy	Sherley
Bartlett	Dixon, Ind.	McLain	Sims
Beall, Tex.	Ellerbe	McNary	Slayden
Bell, Ga.	Finley	Macon	Smith, Ky.
Birdsall	Floyd	Mann	Smith, Tex.
Bowie	Fulkerson	Meyer	Spight
Brantley	Garner	Moon, Tenn.	Stafford
Brooks, Tex.	Granger	Moore	Steenerson
Brundidge	Hardwick	Murdock	Stevens, Minn.
Burgess	Hedlin	Murphy	Sullivan, Mass.
Burleson	Henry, Tex.	Norris	Thomas, N. C.
Burton, Ohio	Houston	Padgett	Volstead
Butler, Tenn.	Howard	Patterson, S. C.	Wallace
Candler	Hubbard	Perkins	Watkins
Clark, Fla.	Humphreys, Miss.	Pou	Webb
Clark, Mo.	Hunt	Pujo	Williams
Clayton	Johnson	Rainey	Zenor
Crumpacker	Jones, Va.	Ransdell, La.	
Darragh	Kitchin, Wm. W.	Richardson, Ky.	

ANSWERED "PRESENT"—9.

Burton, Del. Gregg	Holliday	Patterson, N. C.	Sparkman
Hinshaw	Lever	Pollard	Weeks

NOT VOTING—160.

Acheson	Fuller	Landis, Chas. B.	Robertson, La.
Alexander	Gaines, Tenn.	Law	Robinson, Ark.
Ames	Garber	Le Fevre	Rucker
Babcock	Garrett	Legare	Ruppert
Beidler	Gilbert, Ind.	Lester	Ryan
Bingham	Gilbert, Ky.	Lewis	Samuel
Blackburn	Gill	Lilley, Conn.	Schneebell
Bowers	Gillespie	Lilley, Pa.	Scott
Bowersock	Gillett, Cal.	Lindsay	Shackleford
Bradley	Gillett, Mass.	Littauer	Shartel
Brick	Glass	Little	Sherman
Brooks, Colo.	Goldfogle	Littlefield	Slemp
Broussard	Goulden	Livingston	Small
Brown	Graham	Longworth	Smith, Ill.
Backman	Greene	Lorimer	Smith, Md.
Burke, Pa.	Griggs	Lovering	Smith, Wm. Alden
Burleigh	Gronna	McCall	Smith, Pa.
Burnett	Gudger	McDermott	Southall
Byrd	Haskins	McGavin	Stanley
Calder	Haugen	Maynard	Stephens, Tex.
Campbell, Kans.	Hay	Minor	Sullivan, N. Y.
Campbell, Ohio	Hearst	Moon, Pa.	Sulzer
Cassel	Hedge	Morrell	Talbott
Cockran	Hill, Miss.	Mudd	Tawney
Conner	Hitt	Olcott	Taylor, Ala.
Davey, La.	Hopkins	Page	Towne
Dawson	Howell, Utah	Palmer	Trimble
Deemer	Hughes	Parker	Tyndall
Dickson, Ill.	Hull	Parsons	Underwood
Dovener	James	Patterson, Tenn.	Van Duzer
Dresser	Kelliher	Pearre	Van Winkle
Edwards	Kennedy, Ohio	Powers	Vreeland
Esch	Ketcham	Prince	Wachter
Fassett	Kitchin, Claude	Randell, Tex.	Wadsworth
Field	Kline	Reid	Webber
Fitzgerald	Knapp	Reynolds	Weisse
Flack	Knopf	Rhinock	Welborn
Flood	Lafean	Richardson, Ala.	Wiley, Ala.
Fordney	Lamar	Rixey	Wood, Mo.
Fowler	Lamb	Roberts	Young

So the joint resolution was passed.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. TAWNEY with Mr. RICHARDSON of Alabama.

Mr. ESCH with Mr. TRIMBLE.

Mr. AMES with Mr. RUCKER.

The result of the vote was announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL COLLECTION DISTRICT IN THE STATE OF TEXAS.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the bill H. R. 10715.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amend-

ments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of section 1 the following: "And the charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico;" and the Senate agree to the same.

CHARLES CURTIS,
H. S. BOUTELL,
CHAMP CLARK,

Managers on the part of the House.

S. B. ELKINS,
A. J. HOPKINS,
A. S. CLAY,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, submit the following statement:

The House recedes from its disagreement to the amendments of the Senate Nos. 1, 2, 3, and 5, and recedes from its disagreement to amendment No. 4 with an amendment.

Amendment No. 1 applies to slip No. 3 in Taylors Bayou, which was shown to your committee to be private property, and therefore was not under the control of the Port Arthur Canal and Dock Company.

Amendments Nos. 2 and 3 are in reference to the State of Texas ceding to the United States exclusive jurisdiction over the waterway, basins, and slips. As the legislature of Texas does not meet for some time, your committee thought it advisable to agree to the amendments striking out these requirements, because there is no doubt when the legislature does meet such cession will be made by the State of Texas, and to retain the provisions in the bill would unnecessarily delay the putting in operation of the provisions of the bill.

Amendment No. 5 makes Sabine, in the State of Texas, a subport of entry and delivery, with full authority and license to enroll, enter, and clear vessels, receive entries, collect dues, fees, and other moneys, and generally to perform the functions prescribed by the laws for collectors of customs, and perform such other services as in the judgment of the Secretary of the Treasury the exigencies of commerce may require. Your managers agreed to this amendment because they believed it was doing only what was fair and just to Sabine.

Amendment No. 4, as agreed to by the committee of conference, provides that the charges for the use of the docks and wharves shall be just and reasonable, and shall not be greater than the charges for similar services at other ports on the Gulf of Mexico.

Your managers recommend the adoption of the report.

CHAS. CURTIS,
H. S. BOUTELL,
CHAMP CLARK,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CLARK of Missouri rose.

Mr. CURTIS. How much time does the gentleman desire?

Mr. CLARK of Missouri. Only a minute. I simply want to make one statement, because I promised Senator BAILEY to make it, and that is that neither he nor I believed that it was necessary to put in the part there about the charges for docking, because we believe Congress had that jurisdiction anyway. He was not willing for the report to be agreed to unless I would make that statement on the floor of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

BLACKFEET RESERVATION.

Mr. CURTIS. Mr. Speaker, I desire to call up conference report on the bill H. R. 19681.

The SPEAKER. *The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19681) to survey and allot lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open surplus lands for settlement.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation in the State of Montana, and to open the surplus lands to settlement, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

"SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each member forty acres of irrigable land and two hundred and forty acres of additional land valuable only for grazing purposes, or at the option of the allottee the entire two hundred and eighty acres may be taken in land valuable only for grazing purposes, and for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved waters in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within two years from the date of the issuance of the proclamation by the President opening the unallotted lands to settlement; and, pending such actual appropriation of water by and for any Indian allottee, all of said water shall be subject to use under the laws of Montana, but such use shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation of water is made to the extent that may be necessary for use on the allotment within the time limit aforesaid, but on the contrary each Indian allottee shall have and enjoy the prior right to appropriate water actually necessary for the irrigation of his or her allotment at any time within two years after the issue of the President's proclamation aforesaid: *And provided further*, That, subject to the foregoing provisions, all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding two hundred and eighty acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted two hundred and eighty acres each to the Holy Family Mission on Two Medicine Creek and the Mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

"SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State

of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

"That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed five dollars per day.

"That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to be appraised.

"That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

"Sec. 4. That when said commission shall have completed the classification and appraisal of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said section sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

"Sec. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural and grazing lands and five dollars per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date

of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

"Sec. 6. That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States for the credit of the Indians: *Provided*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than one dollar and twenty-five cents per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres of land shall be sold to any one person or company.

"Sec. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

"Sec. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than five dollars per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

"Sec. 9. That after deducting the expenses of the commission of classification, appraisal, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior, as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as, in his judgment, would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe the Indian beneficiary shall be paid interest thereon annually at the rate of four per cent per annum.

"Sec. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also the sum of sey-

enty-five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

"SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent, in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

"SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than eighty acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than ten dollars: *And provided further*, That said lots when surveyed shall approximate fifty by one hundred and fifty feet in size."

And the Senate agree to the same.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,

Managers on the part of the House.

W. A. CLARK,
FRED T. DUBOIS,
MOSES E. CLAPP,

Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The Senate in passing the House bill struck out all after the enacting clause and inserted Senate bill No. 6354. As agreed to in conference all after the enacting clause as passed by the Senate is again stricken out and the House bill is substituted therefor, modified so that instead of each head of a family receiving 80 acres of irrigable land and 240 acres of grazing land, each member of the tribe is given 40 acres of irrigable land and 280 acres of grazing land.

The conference report also modifies this bill so as to provide that waters for the use of the Indians shall be reserved for two years following the proclamation of the President opening the unallotted lands to settlement instead of five years from the date of the approval of the allotment by the Commissioner of

Indian Affairs. Under the terms of the bill the proclamation of the President can not be issued until after the conclusion of allotments.

The conference report also modifies the bill so as to permit the use of the waters, without prejudice to the Indians, pending the date of allotments and appropriation of the water by the Indian allottees.

A further amendment grants 280 acres each to two religious societies now having institutions upon said reservation.

It also strikes out the provision that lands taken by the Reclamation Service must be paid for out of the reclamation fund within one year from the date of withdrawal, and provides in lieu of this provision that the lands when sold shall be paid for to the proper officers and the money covered into the Treasury to the credit of the Indians.

An amendment also adds to the lands which shall be subject to exploration, location, purchase, etc., mineral lands as well as grazing and timber lands, etc.

Another amendment provides that the clerk to be appointed by the commission created to appraise the lands shall be paid \$5 per day instead of \$7, as provided in the House bill as it passed.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,

Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

Mr. CURTIS. I will yield for that purpose.

Mr. LACEY. I notice you have reduced the time for the appropriation of water to two years. I want to ask the gentleman if he does not think that entirely too short a time to enable the Indians to avail themselves of water enough to irrigate their holdings?

Mr. CURTIS. The managers on the part of the House thought that, as the date of the appropriation of the water was changed to two years from the issuing of the proclamation, the time was sufficient. The House bill provided that the water should be appropriated within five years from the date of the allotment. The proclamation will not be issued until the Secretary of the Interior advises the President that the conditions on the reservation are proper for the proclamation to be issued; and therefore we thought that two years would be ample time.

Mr. LACEY. The gentleman will recall the fact that five years was the lowest period that the House committee seemed to think would be proper, and some wanted to make it seven.

Mr. CURTIS. And some wanted to make it three years, if the gentleman from Iowa will remember. The managers thought that two years would be ample time.

Mr. LACEY. I want to say that I fear that in making that time so short the result will be that the Indians will find themselves without water.

Mr. CURTIS. We will have plenty of time to extend it by another act, in case this is found insufficient. Mr. Speaker, I ask for the adoption of the report.

The question was taken; and the report was agreed to.

HOUSE DOCUMENT.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent to print as House document two letters relating to pending legislation. They are both from officials of the United States.

Mr. PAYNE. I understand those letters are written by officers of the Government?

Mr. KENNEDY of Nebraska. Yes.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes—to the Committee on the Public Lands.

S. 1816. An act for the relief of the Citizens' Bank of Louisiana—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment; and

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground, commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

H. R. 17510. An act to provide for a reconnaissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the north-eastern division of the eastern district of Tennessee at Greeneville, and for other purposes;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 9813. An act granting a pension to Harriet P. Sanders; and

H. R. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, recommending the sale of the site of the old appraisers stores at Providence, R. I.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for reconstruction of bridge and viaduct between the city of Rock Island, Ill., and Rock Island Arsenal—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, reported the same, accompanied by a report (No. 4945); which said bill and report were referred to the House Calendar.

Mr. HOWARD, from the Committee on the Library, to which was referred the bill of the House (H. R. 12063) to accept from the State of Louisiana a cession of territory known as the "Chalmette Monument Place," in the parish of St. Bernard, of that State, and to provide for the completion of the monument thereon, and for other purposes, reported the same with amendment, accompanied by a report (No. 4950); which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCLARY of Minnesota, from the Committee on the Library, to which was referred the bill of the Senate (S. 1032) to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal., reported the same with amendment, accompanied by a report (No. 4951); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 19680) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel, reported the same without amendment, accompanied by a report (No. 4948); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisniewski, reported the same with amendment, accompanied by a report (No. 4947); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18865) for the relief of John and David West, reported the same without amendment, accompanied by a report (No. 4949); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 20262) to authorize William Goosey, G. B. Blakey, F. A. Lyons, J. M. Beatty, and associates, to bridge the Kentucky River—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: A bill (H. R. 20263) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892"—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 20264) to compel telegraph companies to show plainly on every telegram the time of the receipt of the telegram at the receiving office—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 20265) establishing in the District of Columbia a neurological hospital for the care and treatment of the indigent insane of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906—to the House Calendar.

By Mr. TOWNSEND: A bill (H. R. 20267) to provide for the disposal of certain lands within the abandoned military reservation of St. Michael to persons claiming the same and having improvements thereon for purpose of trade—to the Committee on the Public Lands.

By Mr. REYNOLDS: A bill (H. R. 20268) providing that death in the service shall constitute an honorable discharge, under the third section of the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing pensions to widows, minor children, and dependent parents"—to the Committee on Military Affairs.

By Mr. BEDE: A concurrent resolution (H. C. Res. 34) authorizing and directing the Secretary of War to cause an examination and survey to be made of the harbor at Duluth, Minn.—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A resolution (H. Res. 594) authorizing the chairman of the Committee on Irrigation of Arid Lands to appoint a clerk to said committee—to the Committee on Accounts.

By Mr. NEEDHAM: A memorial from the legislature of California, asking Congress to suspend certain portions of the Revised Statutes of the United States for the year 1906, relative to mining claims—to the Committee on Mines and Mining.

Also, a memorial from the legislature of the State of California, asking certain legislation concerning the work of the Geological Survey—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20269) granting an increase of pension to Sarah A. Galloway—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 20270) granting an increase of pension to Michael Dunn—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20271) granting an increase of pension to Waldo Sprague—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20272) granting an increase of pension to James L. House—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 20273) to correct the military record of James H. Magee—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 20274) granting a pension to Venier S. Feasel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20275) to correct the military record of Edward H. Severance—to the Committee on Military Affairs.

By Mr. TIRRELL: A bill (H. R. 20276) to refund legacy taxes illegally collected—to the Committee on Claims.

By Mr. WEEMS: A bill (H. R. 20277) granting a pension to Eugenia Sinclair—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20278) granting an increase of pension to Alexander Bryant—to the Committee on Pensions.

Also, a bill (H. R. 20279) granting an increase of pension to Edmund Hostetter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Sarah A. Galloway—to the Committee on Pensions.

By Mr. ALEXANDER: Resolution of Western New York Federation of Women's Literary and Educational Organizations, for amendment to Federal Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BATES: Petition of Philadelphia Association of Retail Druggists, for bill H. R. 8102 (the Mann bill)—to the Committee on Patents.

Also, petition of W. F. Hill, State Grange, Pa., for Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of George Reagan—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of United German Societies of New York, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Illinois State Medical Society, for a law increasing efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of M. H. Crider, Walter Porter, and W. C. Neely, for the pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of certain oil producers of Marietta, Ohio, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition, in form of letters and telegrams, from Moline, Ill.; Cincinnati, Ohio; Bridgeton, N. J.; Chicago, Ill., and Minneapolis, Minn., against the eight-hour bill—to the Committee on Rules.

By Mr. HOUSTON: Paper to accompany bill for relief of J. C. Williams, heir of Chirley Williams—to the Committee on War Claims.

By Mr. HUFF: Petition of C. A. Hite, against pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Associated Producers' Company, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of merchants et al., of Atkinson,

Holt County, Nebr., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of George H. Preddy—to the Committee on Military Affairs.

By Mr. LACEY: Petition of J. T. Tunbrel et al., for the pure-food bill and Federal inspection of meat-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the New Immigrants' Protective League, for a commission to study and formulate a feasible system for distribution of immigrants over the country—to the Committee on Immigration and Naturalization.

By Mr. McNARY: Petition of common council of the city of Boston, against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of William Dancer, Kempton, Ill., for pure-food bill and Federal inspection of meat-packing products—to the Committee on Agriculture.

By Mr. TIRRELL: Petition of Hyland C. Kirk, relative to certain patent from which the Government has derived (so petitioner claims) very great advantage—to the Committee on Patents.

By Mr. VREELAND: Petition from many producers and refiners of petroleum, against the pipe-line provision in rate bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, June 18, 1906.

Prayer by the Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the naval appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, receding from its disagreement to amendment No. 4, and insisting on its disagreement to the remaining amendments, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement and agree to the conference asked for by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 280. An act to provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and

S. R. 60. A joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 10715. An act to establish an additional collection district in the State of Texas; and

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open surplus lands for settlement.

The message also announced that the House had passed the